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Vienna, 26 April-6 May 1994
Item 3 of the provisional agenda*

REVIEW OF PRIORITY THEMES, IN ACCORDANCE WITH COMMISSION RESOLUTION 1/1 ON STRATEGIC MANAGEMENT BY THE COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE OF THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

Proposals made by Member States on specific objectives and activities, in accordance with Commission resolution 1/1 on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme

Note by the Secretary-General

I. LEGISLATIVE MANDATE

1. In its resolution 1/1 of 29 April 1992, on strategic management by the Commission on Crime Prevention and Criminal Justice of the United Nations crime prevention and criminal justice programme, the Commission adopted a number of directives that should be followed when determining the priorities of and supervising the crime prevention and criminal justice programme.

2. The Economic and Social Council, in its resolution 1993/34, invited Member States to prepare and circulate in advance of each session proposals on specific objectives and activities, as recommended in Commission resolution 1/1, underlining the importance for the third and subsequent sessions of the Commission of implementing the mechanisms referred to in paragraphs 32-35 of the annex to that resolution, for determining the objectives and the specific activities of the programme.

3. As a follow-up, the Secretary-General, on 7 September 1993, sent a note verbale to Member States, asking them to submit any proposals they might have, so as to prepare the present note for the third session of the Commission.

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II. PROPOSALS BY MEMBER STATES

4. As of beginning January 1994, two responses had been received.

5. The Government of Spain stated that the wide range of issues examined by the Commission did not permit a study of any particular area in depth, which in turn reduced the chances for success in terms of implementation and practical results. As a consequence, without giving up a broad vision of crime, a limited number of issues would deserve specific attention from the programme, such as money-laundering, computer crime, credit fraud and traffic in children.

6. The Government of Spain also suggested that on each of these themes, studies on the most frequent forms of these crimes, possible common characteristics of perpetrators and the most frequent way of realizing these criminal activities (modus operandi) should be carried out. It should be decided which activities, of the ones mentioned, should be made a criminal offence. Policy guidelines on the nature and extent of penal sanctions should be defined, in order to guarantee the proportionality of sentences at the international level and thus increase opportunities for general prevention. The programme should provide guidance on the most effective ways of preventing and investigating these activities, as well as on the most suitable judicial procedures to be followed in order to avoid impunity. Relevant forms of judicial cooperation, as well as cooperation between police forces, should be examined at the transnational level. The programme could indicate possible connections between penal agencies and social institutions, for example, neighbourhood and business communities, health and financial institutions. Guidelines on the treatment of offenders should be provided for the police, the judiciary and prison personnel, in order to avoid any kind of privilege in the treatment of offenders that could in turn stimulate criminological activities. Finally, the best forms of technical assistance to countries in need should be defined, as suggested in General Assembly resolution 46/152, annex.

7. The Government of Germany proposed three themes for specific consideration by the Commission, namely, in-depth consideration of the role of criminal law in the protection of the environment, elaboration of practical strategies for the prevention of crime and elaboration of policies to combat organized transnational crime.

III. CONCLUSIONS

8. In view of the limited number of responses received by the Secretary-General to his note verbale at the time of preparing the documentation for the third session of the Commission, no conclusions on the position of the members of the Commission can be drawn; nor can any recommendations be brought to the Commission's attention. Additional reactions that the Secretary-General may have received in the meantime will be reported orally by the Secretariat. However, it should be stressed that in order to better focus and facilitate the debate, and thus enable a strategic management of the programme by the Commission, proposals should in future be sent well in advance, so as to be integrated into the pre-sessional documentation and to allow for a thorough discussion of the topic by the Commission.

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TECHNICAL COOPERATION

Technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources

Report of the Secretary-General

Summary

The present report provides an overview of technical cooperation and advisory services delivered by the Crime Prevention and Criminal Justice Branch, the Interregional Adviser for Crime Prevention and Criminal Justice based at Vienna and the Regional Adviser for Crime Prevention and Criminal Justice based at the Economic and Social Commission for Asia and the Pacific. After a presentation of those activities, the report considers the issue of funding technical assistance and reviews the outcome of consultations on the creation of appropriate mechanisms for the mobilization of resources. A summary of selected projects for technical assistance is given in annex I.

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CONTENTS

	Paragraphs	Page
INTRODUCTION	1-6	3
I. CONCLUSIONS	7-9	4
II. TECHNICAL ASSISTANCE	10-44	5
A. Facilitating the exchange of information	12-13	6
B. Contributing to training activities organized by other entities	14-18	6
C. Answering requests for training	19-22	7
D. Preparation of training materials	23-25	8
E. Environmental crime	26-32	8
F. Elaborating comprehensive technical assistance projects	33-39	9
G. Contributing to United Nations peace-keeping and peace-building operations	40-44	11
III. ADVISORY SERVICES	45-55	12
A. Activities carried out by the Interregional Adviser for Crime Prevention and Criminal Justice	47-52	12
B. Activities carried out by the Regional Adviser for Asia and the Pacific	53-55	13
IV. FUNDING TECHNICAL ASSISTANCE ACTIVITIES	56-63	13
A. Regular budget	57	14
B. Extrabudgetary resources	58-59	14
C. Other forms of contribution	60-63	14
V. CREATION OF AN APPROPRIATE MECHANISM FOR THE MOBILIZATION OF RESOURCES	64-69	15

Annexes

I. Summary of four selected technical assistance projects in crime prevention and criminal justice 17
II. Note verbale on the United Nations Crime Prevention and Criminal Justice Fund 22
III. Modalities of assistance to the United Nations crime prevention and criminal justice programme 23

INTRODUCTION

1. The Economic and Social Council, in its resolution 1992/22 of 30 July 1992, made technical assistance a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice. As recommended by the Commission at its second session, the Council, in its resolution 1993/34 of 27 July 1993, reaffirmed the need for increased technical cooperation activities in order to provide appropriate assistance to Member States whose capacity to deal with crime-related issues was insufficient. The Council also requested the Secretary-General to report to the Commission at its third session on technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme, including appropriate mechanisms for the mobilization of resources.

2. The Ministerial Meeting on the Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme, held at Versailles from 21 to 23 November 1991, stressed the importance of technical assistance. The General Assembly, in its resolution 46/152 of 18 December 1991, took up the urgent requests of the Ministerial Meeting, and stressed the need for the United Nations to carry out technical assistance activities and to act as a coordinating or facilitating agent. The Ministerial Meeting also considered the creation of a mechanism for the mobilization of resources to fund those activities. Council resolution 1992/22, adopted on the recommendation of the Commission at its first session, followed the same line, and gave the Secretariat the mandate to facilitate the coordination and planning of operational activities. The subsequent modifications of the medium-term plan for the period 1992-1997, as approved by the Council and the General Assembly, included the creation of a new subprogramme on operational activities, planning and overall coordination, devoted to creating the institutional capacity to carry out the global mandate.

3. In its resolution 1992/22, the Council also requested the Secretary-General, in his report on the operationalization of the programme, presented to the Commission at its second session (E/CN.15/1993/5), to draw up a possible framework of activities to be implemented in the field of training, advisory services, emergency assistance and action-oriented research. In its resolution 1993/34, the Council welcomed the efforts undertaken by the Secretariat to carry out operational activities, notably the setting-up of projects to be implemented in developing countries and countries in transition, as well as contributing to the work of peace-keeping operations. The Council further requested the Secretary-General to continue elaborating training curricula that could be implemented in Member States upon request, as well as basic courses on United Nations norms and guidelines in the field of crime prevention and criminal justice which can be used, as necessary, for training peace-keeping and emergency mission personnel and their national counterparts.

4. The Council requested the Secretary-General, in the same resolution, to strengthen the institutional capacity of the programme by providing the Secretariat with adequate human and financial resources, if necessary by reallocating existing resources, as well as by means of voluntary contributions, to enable it to elaborate, execute and evaluate operational activities and advisory services upon request by Member States.

5. The present report covers operational activities and advisory services initiated or carried out between December 1992 and November 1993 by the Crime Prevention and Criminal Justice Branch, the Interregional Adviser for Crime Prevention and Criminal Justice based at Vienna and the Regional Adviser for Crime Prevention and Criminal Justice for Asia and the Pacific, based at the Economic and Social Commission for Asia and the Pacific (ESCAP). In accordance with the mandates of the General Assembly and the Council, those activities were initiated in order to put into practice, as far as financial resources allowed, the proposed technical assistance activities as presented to the Commission at its second session (see E/CN.15/1993/5).

6. The report presents a summary of the requests for assistance received, the main activities undertaken to answer them, and present funding issues. Four selected technical assistance projects are summarized in annex I. Technical cooperation activities carried out by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the network of affiliated and associated institutes are dealt with in a separate report (see E/CN.15/1994/10).

I. CONCLUSIONS

7. The Committee on Crime Prevention and Control, at its eleventh session, presented a report to the Council on the need for the creation of an effective international crime and justice programme (E/1990/31/Add.1). That report played an important role in the restructuring of the crime prevention and criminal justice programme, as it stressed the inadequacy of the programme as it previously existed and made important recommendations for new structures and mechanisms. In paragraph 51 of the report, the Committee stated that: "Over and over, countries that have recognized their need for outside assistance in meeting problems of crime have requested urgent assistance from the United Nations. Often, they have obtained only heartfelt expressions of sympathy and formal regrets. Other countries have wanted to request United Nations help in developing particular programmes to assist them in combating crime, but have faced the reality that the United Nations is not equipped, in terms of personnel, structure or budget supplied by Member States to undertake such assistance projects."

8. In spite of the restructuring process of the crime prevention and criminal justice programme, and the emphasis placed by the General Assembly and the Council on operational activities, it must be admitted that the same wording could be used to describe the present situation of the programme. Even if steps have been undertaken to "declare" the programme more operational, most technical assistance efforts, apart from those provided in cooperation with other agencies, have so far remained at the stage of project formulation, since funds and contributions have been insufficient to start the implementation phase. The projects presented in annex I of the present report are examples of specific technical assistance activities to which Member States are invited to contribute. Activities in other fields and other regions are currently being worked out by the Branch. Much remains to be done, particularly in the field of crime prevention. However, the exercise will be meaningful only if the basic commitment from the international community to give effectiveness to the programme is clearly expressed, not only in resolutions but also in tangible support.

9. In view of the above, the Commission may wish to consider the following points and make recommendations on them:

(a) Clearing-house functions should be further developed, as they have proved useful and efficient in the implementation of training activities;

(b) Training activities organized by several non-governmental organizations and other United Nations entities have greatly contributed to the promotion of United Nations norms and standards in the field of crime prevention and criminal justice. However, the Branch should be in a position to organize training activities through the means to be made available to it, so as to enable priority themes defined by the Commission and specific mandates to be fully integrated into the operational activities of the programme;

(c) Project documents, such as those prepared by the Branch, are a prerequisite for comprehensive training programmes, especially those aimed at reforming or creating new criminal justice systems. Member States may wish to consider taking action on those projects;

(d) Adequate human and financial resources are required to support technical assistance projects in specific fields considered to be of high priority, such as transnational crime, money-laundering, prevention of urban crime, following the methodology presented in the proposed guidelines for the prevention of urban crime contained in the annex to Council resolution 1993/27 of 27 July 1993, or environmental crime. In the latter case, the Council, in its resolution 1993/28 of 27 July 1993, called for the provision of technical assistance to requesting Member States in the field of environmental crime, for example, in reviewing criminal justice policies and legislation in respect of the environment, drafting and implementing the relevant laws, and in providing training to criminal justice officials on investigative techniques relevant to environmental offences;

(e) In-kind contributions from Member States have been of considerable help in implementing projects. However, a basic level of extrabudgetary funds should be made available in order to allow, as a first step, needs assessment and project formulation missions, and, as a second step, implementation of the projects in cooperation with interested governments. The Commission may wish to urge Member States to respond to that requirement, so as to fully operationalize the programme;

(f) The Branch has been involved in several United Nations peace-keeping missions, as requested in Council resolution 1993/34. Its contribution to the follow-up to those missions is important, particularly with respect to the strengthening of the rule of law and building-up a new criminal justice system;

(g) The interregional advisory services are crucial for the development of technical assistance activities. However, recommendations contained in country reports should be given appropriate follow-up by Governments requesting assistance, as well as by the Secretariat, in terms of specific project formulation, and by donors in terms of funding of project execution;

(h) Crime prevention policies are essential to ensure sustainable development, as crime affects at the same time economic, social and environmental efforts. The Commission may wish to stress that developing countries should present crime prevention projects as part of their priority areas for development, and that the United Nations Development Programme (UNDP) and other funding agencies should contribute to such projects. Crime prevention should also be retained as a priority area for UNDP activities;

(i) The creation of an appropriate mechanism to further technical cooperation may require further consideration, in view of the reactions by Member States to the document submitted by the Government of France (see paras. 66-69).

II. TECHNICAL ASSISTANCE

10. Technical assistance activities carried out since the second session of the Commission included activities previously initiated, particularly those started in response to the new mandates for increased operational activities. In addition, new activities were initiated in response to more recent requests. However, because of the limited regular and extrabudgetary funds, the work of the Branch was largely confined to contributing to technical assistance projects financed and carried out by other entities inside and outside the United Nations system, to facilitating bilateral assistance to requesting countries, or to preparing project documents for funding by Member States or funding agencies.

11. The Branch carried out technical cooperation activities mainly in the following areas: facilitating exchange of information (e.g. clearing-house functions); contributing to training activities organized by other entities, such as intergovernmental or non-governmental organizations; organizing training on

specific issues, upon request of a Member State or an organization; preparing training materials; preparing comprehensive technical assistance projects; and contributing to broader operational activities implemented by the United Nations, such as peace-keeping and peace-building operations.

A. Facilitating the exchange of information

12. Information exchange constituted an important element of the operational activities of the programme. That subject is dealt with in the report on progress made in the collection and dissemination of crime-related data and in the improvement of computerization in criminal justice management (E/CN.15/1994/3).

13. Beyond those activities, the Branch is expected to provide all kinds of clearing-house functions. That includes suggestions on possible participants in and experts for training seminars, as well as facilitating the provision of documentation on various issues and in different languages. The request of the Odessa Police Academy (Ukraine) for documentation and training materials provides an example of such a request. In addition to supplementing the documents available within the Branch, contacts were facilitated with specialized agencies and relevant non-governmental organizations, such as the International Association of Airport and Seaport Police.

B. Contributing to training activities organized by other entities

14. Several United Nations entities and other organizations included United Nations standards and norms in the field of crime prevention and criminal justice in their training curricula, and opened their training teams to experts from the United Nations Secretariat. That resulted in a strong involvement of the Branch in such activities, made possible by the generous contributions of several organizations, which funded the travel and allowances of members of the Branch. As those activities are of no direct cost to the programme (other than staff time), they have, since the creation of the Commission and the operationalization of the programme, proven to be the most frequent way in which the Branch can provide technical assistance.

15. At the invitation of both intergovernmental and non-governmental organizations, the Branch has recently taken part in eight training seminars, all of them oriented towards the implementation of United Nations norms and standards and respect for human rights in criminal justice systems. During 1993, the Branch has most closely cooperated with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, a non-governmental organization based at Lund, Sweden. By funding the participation of a United Nations' staff member as part of the training team, the Institute has made possible the involvement of the Branch in the following activities: two training courses on the administration of criminal justice and human rights, held at Ondangwa and Etosha, Namibia, in April and September 1993; a seminar for senior prison administrators at Kampala in September 1993; a seminar for law enforcement officials at Pretoria in September 1993; and a seminar for law enforcement officers, prison personnel and military and government officials at Mazvikadei, Zimbabwe, in November 1993. Follow-up courses and similar seminars in other countries are envisaged for 1994.

16. The close cooperation existing between the United Nations Centre for Human Rights and the Branch led to the participation of a member of the Branch in two seminars held at Bucharest for professors of police academies (from 1 to 5 March 1993) and on human rights in the administration of justice (from 30 November to 3 December 1993). The latter was organized by the Centre for Human Rights and the Rumanian Institute for Human Rights, and funded by the Centre.

17. The non-governmental organization Penal Reform International also invited the Branch to participate in a seminar on improving international standards in the Romanian penal system, held in Romania

from 22 to 25 November 1993. The seminar, together with the one organized a week later by the Centre for Human Rights, enabled the Branch to advise on law enforcement and criminal justice reform in Romania with the authorities of the Government of Romania and the UNDP Resident Coordinator at Bucharest. Further information on the seminars is included in the report on implementation of standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7).

18. Such activities constituted a unique opportunity for promoting existing international instruments and their implementation in the work of criminal justice practitioners in countries in need. Through those initiatives, and on the basis of United Nations norms and standards, a significant contribution may be made to strengthening the rule of law. In view of the importance of such work, the crime prevention and criminal justice programme should be in a position to provide systematic training activities. Indeed, in view of the urgency of the needs, the international community faces the issue of creating a proper United Nations capacity in that field.

C. Answering requests for training

19. The Branch received a number of requests for training activities in specific fields, such as juvenile justice, crime prevention strategies, the prevention and control of organized crime, fraud, car theft and trafficking in illegal goods. Those requests were dealt with in different ways, as illustrated by the following examples.

20. Training should take into account local specificities, national structures and existing achievements in order to properly address the needs of requesting countries. Such information should be integrated into the training programmes. In response to a request from African Portuguese-speaking countries for training in the field of juvenile justice, treatment of offenders and crime prevention strategies, information was gathered through contacts with national delegations at the intergovernmental meetings of the Programme, with the assistance of the Ministry of Justice of Portugal, a representative of which worked in close collaboration with the Branch. On that basis, a project proposal was prepared, including a calendar of activities and a cost estimate. A summary of the project is given in annex I to the present report; the complete project proposal is available upon request to the Secretariat. In addition to providing training activities as such, the long-term goal of the project is to foster South-South cooperation in the social and judicial fields, with a view to installing mechanisms for increased exchange of information and experience among Member States from the same continent, using a common language. The project, for which additional funds are being sought, would be implemented in collaboration with the Ministry of Justice of Portugal, as well as with the Raoul Wallenberg Institute and the Centre for Human Rights; both the Institute and the Centre have expressed their commitment to contributing to the project.

21. The Branch also prepared a project proposal for assistance in the implementation of the Convention on Mutual Assistance in Criminal Matters, adopted by the Economic Community of West African States (ECOWAS). The Branch had previously assisted the Executive Secretariat of ECOWAS in the elaboration of the Convention, which was based on the Model Treaty on Mutual Assistance in Criminal Matters adopted by the General Assembly in its resolution 45/117 of 14 December 1990. The Convention was adopted by the ECOWAS Heads of States and Governments at their annual summit, held at Dakar in 1992. The draft Convention had been previously discussed by an ad hoc expert group meeting and a meeting of ECOWAS ministers of justice, which, in addition to the negotiation of the text, provided opportunities for sharing experiences and exchanging information at the regional level. As a follow-up, additional mandates were given to the Executive Secretariat of ECOWAS in the legal and judicial field, notably with respect to extradition. The Branch also provided expertise to ECOWAS in the preparation of an additional convention on extradition.

22. As ECOWAS brings together English-, French- and Portuguese-speaking countries, both common law and continental law systems are present in West Africa. In the area of criminal justice, the necessary mechanisms for cooperation and coordination between the different legal systems are still insufficient or lacking. Training activities for increased regional cooperation should make it possible for criminal justice professionals to become familiar with legal systems other than their own and to cooperate more closely. The outline of the project contained in annex I presents details on the objectives, rationale and cost evaluation of the proposed activities. The Government of Canada has already contributed to the project, by preparing a draft implementation guide to the Convention, for the use of practitioners both in daily practice and as a training tool. Comments on the guide are currently being sought from experts in a variety of jurisdictions, prior to its finalization.

D. Preparation of training materials

23. In response to both individual requests from Member States and the mandates of the Commission, the Branch initiated work on or contributed to the preparation of training manuals, guidebooks and other material, such as the guidebook on the implementation of United Nations model treaties in criminal matters, the handbook on United Nations standards and norms on human rights for law enforcement officials, the Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) (ST/CSDHA/22), a manual on juvenile justice standards, a manual on international standards related to pre-trial detention, a manual on life imprisonment and a manual on prison education. To a large extent those training materials are prepared with the active support of other United Nations entities, intergovernmental and non-governmental organizations and other institutions (for details see documents E/CN.15/1994/7 and E/CN.15/1994/9).

24. Further to the preparation of such material, the Branch held an ad hoc expert group meeting on the model treaties on criminal matters at Vienna from 18 to 21 October 1993. The meeting recommended, inter alia, that the Branch should further develop training materials concerning the model treaties, including manuals providing guidance on those treaties, as well as the preparation of general guidelines for national legislation to implement them. The meeting emphasized the importance of the Branch continuing to provide advisory and technical cooperation services to Member States requesting assistance concerning the use and application of the model treaties, especially practical assistance with drafting implementing legislation.

25. Guides to three of the model treaties adopted by the General Assembly in 1990 following the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders are currently under preparation. The Department of Justice of Canada is preparing a draft guide to the Model Treaty on Mutual Assistance in Criminal Matters, the Department of the Attorney-General of Australia is preparing a draft guide to the Model Treaty on Extradition, and the United States Department of Justice is preparing, in cooperation with the Ministry of Foreign Affairs of Mexico, a guide to the Model Treaty on the Transfer of Proceedings in Criminal Matters. The products will be made available to requesting Member States to provide guidance on the intention behind the model treaties, their practical suggestions for their application and suggestions for incorporating their requirements into national legislation. They can also be used in training seminars on the model treaties. Finalization of the guides will depend on the availability of extrabudgetary funds for translation and publication.

E. Environmental crime

26. In its resolution 1993/28 of 27 July 1993, the Council, on the recommendation of the Commission at its second session, requested the Secretary-General to consider the possibility of undertaking activities in the field of environmental crime, in particular to include environmental crime as an issue for technical cooperation. For that purpose, the Council requested the Secretary-General to establish, with input from

Member States, a roster of experts from all regions in the field of environmental crime. It requested UNICRI and the regional and associated institutes to assist the Secretary-General in that endeavour by sharing their expertise. The Council also called upon Member States and the bodies concerned to provide requesting Member States with technical cooperation in the field of environmental crime.

27. Pursuant to Council resolution 1993/28, the Branch has established a roster of experts, currently containing some 20 names and addresses of experts from different regions. A note verbale has also been sent to all Member States through their permanent missions to the United Nations inviting further nominations.

28. The Branch held an ad hoc expert group meeting on more effective forms of international cooperation against transnational crime, including environmental crime, at Vienna from 7 to 10 December 1993. The meeting considered, inter alia, the possibility of incorporating environmental crime into technical cooperation activities.

29. The meeting recommended that international cooperation in the enforcement of environmental laws should be fostered by the provision of technical assistance bilaterally, multilaterally and through relevant international agencies, such as the Commission, the network of institutes involved in the United Nations crime prevention and criminal justice programme and similar regional institutes. It also recommended that further research in that area, including the nature and extent of polluting activities, sanctioning strategies and the appropriate mix of measures in particular situations, should be encouraged.

30. It was suggested during the meeting that the Branch could do further work to research and define other forms of bilateral and multilateral cooperation concerning the law on environmental crime, and make the results available to interested Member States.

31. UNICRI made available to the meeting its recent joint publication with the Australian Institute of Criminology (AIC), Environmental Crime, Sanctioning Strategies and Sustainable Development (November 1993). That publication contained a number of examples of possible areas for technical cooperation. They included training in criminal investigation techniques relevant to environmental offences for regulatory agency personnel, as well as police and prosecution agencies. The raising of awareness of the judiciary was also considered important, especially where the courts hearing environmental cases are non-specialist or not familiar with environmental matters. The results of such research could be shared with interested Member States. Consideration should be given to the specific needs of developing countries in their efforts to control pollution.

32. A further possibility for technical cooperation could be the preparation of a policy development guide, subject to the availability of extrabudgetary assistance, outlining policy options, issues and legislative approaches. That could be made available to Member States wishing to review their environmental protection policies and practices, and followed up by advisory services specifically targeted at areas of concern such as the preparation of legislation, drawing on expertise available through the roster of experts.

F. Elaborating comprehensive technical assistance projects

33. The interrelations between all components of the criminal justice system have led some Member States to initiate comprehensive law reforms in the criminal justice field. The effectiveness and credibility of the crime prevention and criminal justice programme depend on its capacity to deliver assistance in such activities, particularly in the context of the democratization of a country. Over the past two years, the Branch has already gained considerable experience in that field.

34. The Interregional Adviser for Crime Prevention and Criminal Justice led a needs assessment mission to Albania in June 1992, following a request by the Deputy Prime Minister and Minister of Public Order of Albania at the first session of the Commission. The Commission at its second session was informed of the outcome of that mission, which included experts from the Governments of France and Italy, whose participation was funded by their Governments, and from the International Drug Control Programme (UNDCP). The mission provided recommendations for action on the reform of the whole criminal justice system. Consequently, UNDP provided funds for the implementation of some of the recommendations contained in the report. The Branch cooperated with UNDP in evaluating the outline of the project and providing substantial comments on the way to implement it. The support of Member States is urgently required for the implementation of the recommendations of the mission.

35. The programme has also been involved in the judicial reform currently being implemented in the Russian Federation. At the initial stage, the Branch offered comments and advice on the draft legislation on the judicial reform. A second step was to organize a needs assessment mission in order to set up a well-targeted project proposal. The mission took place in cooperation with the European Institute for Crime Prevention and Criminal Justice, affiliated with the United Nations, and thanks to the contributions of the Governments of Canada, France and Italy, which funded the participation of national experts. As a follow-up to the mission, a project proposal including financial estimates was prepared for funding by donor countries. A summary of the project is provided in annex I to the present report; the complete project proposal is available upon request to the secretariat.

36. The project is a pilot project. It includes different stages following a precise methodology, and should be tested in a certain number of regions before being evaluated and expanded to the rest of the Russian Federation. After an intensive phase of training, the main stage will consist in providing advisory services, equipment and coordination, to facilitate the implementation of the new legal provisions. The second phase should be followed up by an evaluation of the project process in the given geographical areas, before refining or amending legislation and considering extending it to the rest of the country. Its preparation, as well as the first steps towards its implementation, have been conceptualized by a group of experts representing different legal systems and criminal justice traditions. Such a methodology could usefully be applied to other large-scale projects.

37. However, the contributions received by December 1993 do not allow project implementation to advance much further, nor may any meaningful conclusions be drawn from the limited extent of the project at such an early stage. The positive reactions of the Governments of Austria and France to the project proposals provide some hope for a useful outcome. The Government of Austria, in the context of the project, organized a study visit of 20 judges of the Russian Federation to Austria in June 1993. The Government of France announced its readiness to fund the mission costs of a group of judges to begin with the training activities, and invited judges of the Russian Federation for a study tour in France. The Government of Finland offered to provide expert assistance in the use of computerized systems in courts and to acquaint the judges of the Russian Federation in ongoing reform. Those important initiatives should be multiplied on a much larger scale if significant assistance is to be provided to the requesting country.

38. The crime prevention and criminal justice programme could also assist in setting up comprehensive programmes for the prevention of urban crime. The Council, in its resolution 1993/27 of 27 July 1993, took note of the proposed guidelines for the prevention of urban crime, and encouraged cooperation and technical assistance in that field. The guidelines will be further examined by the Commission at its third session, and included in the provisional agenda for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. As requested by the Council, the Branch has disseminated the guidelines to Member States and bodies within the United Nations system.

39. Because of the lack of resources, the capacity of the programme to implement the guidelines has so far been very limited. Requests for financial support for the implementation of a national crime prevention programme had to be declined although it was in line with the proposed guidelines examined in the same year by the Council.

G. Contributing to United Nations peace-keeping and peace-building operations

40. The Commission was informed at its second session that two staff members of the Branch were serving with the United Nations Transitory Authority in Cambodia (UNTAC) and the United Nations Protection Force (UNPROFOR) in the Former Yugoslavia. While one staff member took up his work with the Branch again after the end of the UNTAC exercise, the other staff member has continued his work with UNPROFOR. Such involvement facilitated the contribution of the Branch to several activities in support of peace-keeping operations.

41. Together with the Government of Austria and the Department of Peace-keeping Operations of the Secretariat, a workshop was organized at Graz, Austria, in February 1993, on the role of civilian police in United Nations peace-keeping operations. The workshop recommended the elaboration of a police handbook ("Blue Book") which synthesizes criminal justice, human rights and humanitarian law standards relevant to the work of United Nations peace-keeping police supervisors in their monitoring responsibilities. The handbook has been prepared by the Branch, which is also currently working on a police code of conduct and a disciplinary code for civilian police components of United Nations peace-keeping operations. An introductory training course prepared by the Branch on the basis of relevant United Nations crime prevention and criminal justice instruments was integrated in a broader training manual prepared by the Office of Human Resources Management of the Secretariat. However, the reproduction of the Blue Book and the future involvement of the Branch in training activities are subject to the availability of funds.

42. In view of the experience gained from its involvements in peace-keeping missions, the Branch was requested by the Department of Peace-keeping Operations, to advise on the re-establishment of the police and criminal justice system in Somalia. An advisory mission took place in August 1993, and submitted its recommendations in a report to the United Nations Operation in Somalia II and to the Department of Peace-keeping Operations.

43. The Branch also pursued its involvement in technical assistance activities in Cambodia. In view of the tremendous need for assistance in the crime prevention and criminal justice field, the Branch prepared a project proposal on advisory services and training in substantive and procedural penal legislation, as well as public service ethics. In order to better assess the relevant needs, as well as what had already been achieved, an evaluation mission took place in July 1993, to which the Governments of France and Italy generously contributed by funding the participation of a national expert from each country to the mission. A summarized presentation of the project is included in annex I to the present report. A more detailed project proposal is available from the Secretariat upon request.

44. Assisting in the promotion of the rule of law in countries which have been torn apart by conflict appears to be a duty for the international community. As stated by the Secretary-General in the report entitled "An agenda for peace", peace-building encompasses more than the reconstruction of the peace after the cessation of hostilities. The criminal justice system is among the institutions which suffer the most from the conflict situation, as it is under pressure to serve political ends. If it does not comply with such political pressures, it may be either ignored or destroyed. It clearly appears that establishing a coherent criminal justice system is a prerequisite for establishing the rule of law in the crucial work of restoring democracy. Strategies oriented towards the prevention of crimes of violence should also be promoted. The project in Cambodia, described in annex I, is an example of what could be done in

several countries of the world which have needed United Nations intervention to maintain or restore peace. Such activities could contribute to long-term peace and sustainable development.

III. ADVISORY SERVICES

45. The relevant General Assembly and Council resolutions stressed that advisory services were an essential element of technical assistance activities. Those services can be of particular help in law reform, drafting of new legislation, improving the administration of criminal justice and setting up crime prevention policies. The interregional and regional advisors have a certain amount of travel funds at their disposal, which can be used for answering urgent requests, as has happened for Albania, or preparing broader technical assistance projects.

46. The crime prevention and criminal justice programme includes: an Interregional Adviser for Crime Prevention and Criminal Justice, placed under the authority of the Under-Secretary-General for Development Support and Management Services working in the same premises as, and in close collaboration with, the Branch at Vienna; and a Regional Adviser for Asia and the Pacific, based at ESCAP. The post of Regional Adviser is funded through a generous contribution of the Government of Japan.

A. Activities carried out by the Interregional Adviser for Crime Prevention and Criminal Justice

47. At the time of the second session of the Commission the post of Interregional Adviser had been vacant for three months. In the period under review, the position was filled on a temporary basis for seven months, pending the selection process and appointment of a new Interregional Adviser. In the meantime, 12 formal requests for advisory services were received from Member States, while other States informally inquired about the possibility of obtaining such services.

48. The terms of reference of the missions varied considerably. The missions carried out in Jordan, Nicaragua and Swaziland had quite focused terms of reference, that is, the creation of a judicial police force or the development of non-custodial measures. The Interregional Adviser provided technical advice on the relevant topics and recommended possible funding channels.

49. The missions to Mongolia and Namibia covered a broad range of topics, including legal reform, the training of practitioners, systems analysis and the development of crime prevention strategies. They resulted in a number of recommendations, for example, the incorporation of a criminal justice practitioner component into current international assistance projects in Mongolia on civil service reform and the development of legislation. In Namibia, the Interregional Adviser drew the attention of the national authorities to measures related to urban crime prevention, prison overcrowding, as well as crime recording and crime analysis systems for the police.

50. The missions to the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the African Institute for the Prevention of Crime and the Treatment of Offenders aimed at assisting in the development of a regional capacity to provide technical assistance, while the lack of resources may jeopardize the activities of such entities. The ways to strengthen the cooperation between the Branch and the institutes was also discussed, in order to use, in the most effective way, existing human and financial resources. To that end, the Interregional Adviser also met the Regional Adviser for Asia and the Pacific at Bangkok. Contacts were also made with UNDP, both at Headquarters in New York and with field offices.

51. In addition, the Interregional Adviser was invited to attend five international conferences and seminars in China, Hungary, the Russian Federation and Zimbabwe, at which he presented papers on different topics. In addition to their scientific interest, the seminars also provide the opportunity for suggesting innovative crime prevention and criminal justice measures and promoting United Nations norms and standards, giving thus a technical assistance value to such events.

52. The Interregional Adviser has a key position in technical assistance activities within the Branch and the programme as a whole. The available travel funds enable the Interregional Adviser to provide policy advice and to suggest solutions to local problems. Taking into account the high demand on the part of Member States for the services provided by the Interregional Adviser, the General Assembly has approved a second position at that level within the Crime Prevention and Criminal Justice programme in the context of the 1994-1995 programme budget, by resolution 48/231 of 23 December 1993.

B. Activities carried out by the Regional Adviser for Asia and the Pacific

53. The Regional Adviser has worked in the field of juvenile justice and juvenile delinquency in the region, by setting up a Regional Information System for Youth Crime and Delinquency, carrying out field studies on rehabilitation centres at Bangkok, Beijing, Shangai, Tokyo and in Hong Kong, as well as organizing a joint seminar of ESCAP and the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders on those themes. Those initiatives led to the publication of a monograph entitled "Rehabilitation of juvenile delinquents in the ESCAP region".

54. Another recent activity was a study, soon to be published, on the implementation of United Nations norms and standards for juvenile justice administration in the ESCAP region, undertaken jointly by the Regional Adviser and AIC. The Regional Adviser also participated in several conferences and training seminars, in close collaboration with the Japan International Cooperation Agency (JICA) and the Asia and Far East Institute. Several advisory missions are planned in countries of the region which have formulated requests.

55. The post of Regional Adviser, created as a result of an ESCAP resolution, is a valuable contribution to the work of the programme by the Government of Japan. As the Regional Adviser focuses on the needs of one region, he can facilitate the exchange of information among countries and develop useful contacts with national or regional funding and cooperation agencies. Accordingly, the Commission may wish to consider calling for the creation of Regional Adviser posts in other regions of the world.

IV. FUNDING TECHNICAL ASSISTANCE ACTIVITIES

56. The number of requests for advisory services and training activities reveals an increased awareness about the existence and new orientation of the crime prevention and criminal justice programme. Requests for training in specific areas such as the prevention of car theft or urban crime prevention strategies also demonstrate the expectations placed by many Member States on the programme, including the technical and professionals aspects. If one of the main goals of the programme is to upgrade the skills of criminal justice practitioners, it seems that the structure is in place to respond to the demand. However, it has been impossible to satisfy the demand so far, as available resources severely limit the ability of the Secretariat to respond.

A. Regular budget

57. Following the creation of a new subprogramme on operational activities, planning and overall coordination under programme 29 on crime prevention and criminal justice in the medium-term plan for the period 1992-1997, the General Assembly has taken a number of measures to strengthen the institutional capacity of the Secretariat to expand technical cooperation activities. During year 1993, three Professional posts (two at the P-4 and one at the P-3 level) were temporarily redeployed to the Branch for such activities in the context of the restructuring of the Secretariat in the economic and social fields. The redeployment has been made permanent in the context of the budget for the biennium 1994-1995 approved by the General Assembly in its resolution 48/231. Furthermore, the capacity of the Branch in the area of technical cooperation has been also strengthened in the context of the programme budget for the biennium 1994-1995 by providing a second post of Interregional Adviser and increasing resources for those activities by some US$ 1 million, under section 20, part I, on the regular programme of technical cooperation.

B. Extrabudgetary resources

58. The General Assembly, in its resolution 47/91 of 16 December 1992, and the Council, in its resolution 1993/34, invited Governments to lend their full support to the crime prevention and criminal justice programme, and to increase their financial contributions to the United Nations Crime Prevention and Criminal Justice Fund, which was created to receive extrabudgetary funding for operational activities. The Governments of France, Germany, Japan and Sweden also funded posts of associate experts assigned to the Branch. The Government of Italy has announced its readiness to fund three posts of associate experts within the Branch. The Governments of Italy, Republic of Korea and Tunisia contributed to the Fund during 1933. Other Governments contributed to projects implemented by the network of institutes. However, those contributions are extremely limited compared to the cost of even a modest technical assistance project.

59. In many developing countries, the needs are so numerous and urgent that it is very difficult to decide on priorities. Member States in their requests to funding agencies have focused on development of basic economic infrastructures, thus leaving aside, for example, social policies, internal security and the strengthening of the rule of law, because of the limited funds available. That is why crime prevention and criminal justice matters play a relatively minor role in the activities carried out by funding and development agencies, such as UNDP. An intersectoral approach is necessary to ensure that all development projects have the proper impact. Sustainable development can only be achieved if human, economic, social and environmental concerns are taken into account. Previous intergovernmental meetings of the Programme also stressed that crime was a result of unbalanced development, rather than a situation of underdevelopment. As a consequence, development strategies should include a crime prevention component. However, the assistance that countries can obtain from the programme is still extremely modest, in comparison with their needs. That underlines the importance of the Fund in making technical assistance possible, thus giving meaning to the "operationalization of the Programme".

C. Other forms of contribution

60. Some Member States contributed to the programme by funding the participation of national experts in needs evaluation missions, such as those to Cambodia and the Russian Federation. That was the case with the Governments of Canada, France and Italy, whose contributions have been extremely important for the success of the missions and the relevance of the recommendations made. The Government of Canada also contributed to the ECOWAS project by providing an implementation guide for the Model Treaty on Mutual Assistance in Criminal Matters, which is also applicable to the ECOWAS Convention

on Mutual Assistance in Criminal Matters. The Government of France pursued its contribution to activities in the Russian Federation by providing training.

61. As the above-mentioned activities indicate, the Branch can serve as a coordinator of bilateral assistance efforts. International teams of experts could be created, in response to requests from Member States, in order to guide and better focus various types of interventions, including from private foundations. The programme would serve as the secretariat and play a coordinating role, contributing to effective practical assistance, which is often too fragmented when dealt with only at the national level.

62. If the programme were to be limited to coordinating only bilateral assistance, the activities carried out would tend to exclude experts from the developing world from taking part in the projects, as donor countries often contribute by providing their national experts.

63. In view of the present situation, Member States were approached to contribute to the United Nations Crime Prevention and Criminal Justice Fund. The relevant letter also provided information on the various ways and means of providing other support to the programme, for example, through in-kind contributions. The full text of the note verbale and of the modalities of assistance to the United Nations crime prevention and criminal justice programme are included in annexes II and III to the present report.

V. CREATION OF AN APPROPRIATE MECHANISM FOR THE MOBILIZATION OF RESOURCES

64. The idea of a mechanism, such as a foundation, to mobilize extrabudgetary resources has been the object of considerable discussion. The Committee on Crime Prevention and Control, at its eleventh session, brought a resolution on the creation of a foundation for the purpose of promoting technical cooperation activities to the attention of the Council. The idea was supported by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 1 on the prevention of urban crime and resolution 27 on the protection of the human rights of victims of crime and abuse of power.[1] More recently, the Ministerial Meeting on the Creation of an Effective Crime Prevention and Criminal Justice Programme, held in Paris in November 1991, pointed out the need to expand technical cooperation in the area of crime prevention by means of a mechanism such as a foundation.

65. The first session of the Commission stressed the need to foster the operational aspects of the programme. The Council, in its resolution 1992/22, adopted on the recommendation of the Commission, requested the Secretary-General to initiate the necessary consultations for the preparation of a report setting out options and recommendations for the creation of an appropriate mechanism, such as a foundation, to mobilize human, financial and other resources to further technical cooperation.

66. In order to advance the discussion of the matter, the Government of France submitted a document outlining the objectives of an international foundation on crime prevention and criminal justice, the potential of such an institution, its relation with other existing entities, as well as its possible modus operandi. In March 1993, a letter was addressed to all Member States for comments and proposals on the document. However, because of the short time between the receipt of the document by Member States and the second session of the Commission, the matter was not discussed during the session.

67. In pursuance of the recommendations of the Commission at its third session, particularly those contained in Council resolution 1993/34, Member States were approached a second time through a note verbale dated 7 September 1993, by which they were invited to provide comments and proposals on the document submitted by the Government of France. At the time of the preparation of the present report,

eight Member States had responded (Germany, Luxembourg, Panama, Qatar, Rwanda, Spain and Turkey), most of them expressing their support for the initiative. Most of the responses highlighted the need for more detailed information. A clear structure, as well as more precise information on modalities of organization and functioning of the foundation, were needed in order to further analyse the project and to adopt a definite position on it. Ways and means to link the foundation with existing United Nations structures could be examined during the third session of the Commission in order to avoid overlap or duplication, particularly with the United Nations Crime Prevention and Criminal Justice Fund.

68. Suggestions were also made for the elaboration of the methodology to be used in gathering funds, as well as the criteria for the granting of the financial support of the foundation. One Member State proposed that part of the money confiscated from organized criminal activities could be transferred to the foundation, when such activities were clearly transnational. The money would be used for technical assistance activities, to be sponsored by the foundation.

69. One Member State also proposed the establishment of a working group to discuss the details of such a mechanism, on the basis of the options put forward in the document submitted by the Government of France.

Note

[1]Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990, chap.I, sect. C (United Nations publication, Sales No. E.91.IV.2).

Annex I

SUMMARY OF FOUR SELECTED TECHNICAL ASSISTANCE PROJECTS IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Technical assistance project for the Economic Community of West African States

1. Topic. Training activities to assist ECOWAS member States in the implementation of a Convention on Mutual Assistance in Criminal Matters.

2. Beneficiary. ECOWAS is a regional organization created in 1975 and composed of 16 West African States (Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo). ECOWAS member States have a total of more than 185 million inhabitants. Twelve of the 16 member States are classified as least developed countries by the United Nations.

3. Implementing organization. Crime Prevention and Criminal Justice Branch, in collaboration with the Executive Secretariat of ECOWAS and the African Institute for the Prevention of Crime and the Treatment of Offenders.

4. Project summary. In July 1992, the ECOWAS Heads of State adopted a Convention on Mutual Assistance in Criminal Matters. The Convention, based on the United Nations Model Treaty on Mutual Assistance in Criminal Matters, was prepared by the ECOWAS secretariat and the Branch in close cooperation.

5. The project includes the organization of two seminars to familiarize judges, prosecutors and police officers from all ECOWAS member States with the rules and procedures on mutual assistance in criminal matters, and training them in the practical application of the new Convention. The project also includes the publication of a training guide, together with the text of the Convention, to enable the participants to train others in their own jurisdictions regarding the use of the Convention.

6. Development objectives. The project is expected to contribute to the following:

(a) Improvement in the investigation and prosecution of criminal acts of a transnational character and increased cooperation of the judicial authorities of ECOWAS member States;

(b) Expeditious and fair conduct of police investigations and judicial inquiries in West Africa;

(c) Significant reduction in the scope of criminal activities and their rate of increase in the subregion, contributing to increased security for all citizens, economic actors and potential investors;

(d) Greater integration of the subregion, by enlarging the scope of ECOWAS competence and facilitating an effective application of the ECOWAS Protocol on Free Movement of Persons, Right of Residence and Establishment.

7. Estimated project cost. US$ 175,000 for: the organization of two semi-nars, including the travel costs of officials from eight ECOWAS member States; the publication and distribution of an implementation guide; and the distribution of the text of the Convention.

B. Technical assistance project for African Portuguese-speaking countries

8. Topic. Organization of a seminar, a preparatory meeting and a follow-up publication for African Portuguese-speaking countries on juvenile justice, juvenile delinquency, treatment of offenders and crime prevention policies, in the context of development.

9. Beneficiaries. The project will bring together officials from Angola, Cape Verde, Guinea Bissau, Mozambique and Sao Tome and Principe. The participation of Brazilian officials would also be desirable, in view of the common language, the serious problems Brazil faces in the field of juvenile delinquency, and the recent law reform concerning juveniles.

10. Implementing organization. The Branch, in collaboration with the African Institute and with the assistance of the Government of Portugal.

11. Development objectives. The training activities are expected to contribute to the social development of the country, especially in areas relating to juveniles and their problems, and to alleviate the negative consequences of crime on the economic development process, for example:

(a) Risk or damage to persons and property;

(b) Disintegration of social ties, resulting from the increase in delinquency and the consequent rise in the number of victims;

(c) Likely inhibition of economic development resulting from juvenile delinquency, as most young offenders would be in a position to contribute to the economic development of the country if they did not become involved in delinquency, or if the criminal justice system provided opportunities for rehabilitation.

12. Project description. The project is expected to increase awareness of criminal justice practitioners, including lawyers and social workers, concerning the above-mentioned topics; and to permit officials to further transmit knowledge and information acquired during the seminar to other professionals (training of trainers).

13. The seminar will emphasize the specific treatment to be given to minor offenders at different stages of the criminal justice procedure, from the time of arrest to the serving of the sentence. It will also contribute to general crime prevention objectives, which remain at the centre of penal and judicial reforms. To that end, treatment and rehabilitation of offenders would be considered in terms of their potential to prevent recidivism. Relevant United Nations standards and norms (for example, the United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the proposed guidelines for the prevention of urban crime) would constitute a basis for discussion and training. The preparatory meeting will assess the situation in each country concerned and elaborate a specific format and methodology, so as to better address the topics to be considered during the seminar. The follow-up publication will include contributions from member States, training materials, United Nations instruments and recommendations.

14. The situation differs between African Portuguese-speaking countries. Some have had more experience than others in certain areas, such as penal reform. One purpose of the seminar will be to collate experiences of developing countries from the same region, using the same language, and informing one another of the positive results achieved and the pitfalls to be avoided. Such a dialogue will ensure a

debate in line with African realities, and make possible the initiation of South-South cooperation in the social and judicial fields.

15. Estimated project cost. US$ 145,000 for a five-day seminar at Sao Tome, a three-day preparatory meeting at Lisbon, and a follow-up publication.

C. Assistance in the penal reform in the Russian Federation

16. Topic. Assistance in the introduction of new procedural and judicial legal provisions in the Russian Federation.

17. Project background. The judicial reform, which started to be implemented in the Russian Federation in 1992, aims at rendering the criminal justice system of the country more effective and efficient on the basis of democratic principles, including the independence of the judiciary, the protection of basic human rights in legal proceedings and the presumption of innocence.

18. In order to give effect to those principles, the Supreme Soviet adopted, on 18 July 1993, a bill which introduced adversarial proceedings, thereby replacing a system which resembled the inquisitorial system, but without the safeguards and procedural guarantees as it applied in a number of countries around the world. Another major element of the reform was the introduction of trial by jury. The new legislative provisions also established the competence of courts at the various levels and identified the crimes that could be tried by a jury at each level.

19. Beneficiary. The project is a pilot project. In view of the considerable innovations foreseen, as well as the sizable administrative and financial requirements, the implementation of the reform is to be carried out gradually over a period of time. The new system is to be initially introduced in the courts of six regions and three territories of the Russian Federation, covering a population of almost 30 million inhabitants and a total of 2,160 judges to be trained. Then the new system would be expanded to the courts of the entire country, after a strict evaluation of one year of its operation.

20. Project description. Four stages are planned for the implementation of the project, as follows:

(a) The first stage will include advisory services preparing for the legal and administrative changes, and intensive training for judges, prosecutors and attorneys;

(b) The second stage will be the main implementation stage, as it will involve ongoing advisory services and coordination, as well as data collection for which equipment will be needed;

(c) The third stage will consist of the evaluation of the new system in the nine selected areas, including a study of judicial practice and comparative analysis between regions;

(d) The last stage will include the identification of problems in the implementation of and refinements to the legislation, together with the expansion of the new system to the remainder of the country, for which advisory services for drafting of legislation may be needed.

21. Cost estimates. US$ 4,930,000 for advisory services, appointment of a resident coordinator, training courses and study visits on a large scale, publications including commentary of the law and evaluation results, as well as equipment, computerization and communications.

D. Provision of practical assistance to Cambodia in the re-establishment of its criminal justice system

22. Topic. Assistance to the Government of Cambodia in building a criminal justice system that guarantees the rule of law, including the protection of human rights and freedoms.

23. Implementing organization. The Branch. Cooperation will be sought with potential donor governments and agencies present in Cambodia.

24. Project objectives. The overall objective of the project will be to assist the Government of Cambodia in building a criminal justice system that will guarantee law and order with due consideration for the protection of human rights and freedoms. Advisory services will be required for assistance to the Government in drafting appropriate substantive and procedural penal legislation, designing regulatory and administrative mechanisms and measures, organizing prosecutorial and judicial services, implementing such legislation, and ensuring the proper functioning of the introduced measures and mechanisms. Advisory services will also be required to coordinate the assistance given and in evaluating the result of the efforts undertaken.

25. Until such time as the requisite normative basis (the body of new legislation) is in place, training activities will aim at providing potential trainers with theoretical and practical knowledge of fundamental principles of law in the context of democratic traditions, with particular reference to United Nations norms and standards. All training activities will aim at forming a core of trainers that will be in a position to achieve a multiplier effect and to build local capacities.

26. In a short-term perspective, the objectives will be to provide assistance in mobilizing the human internal resources available at present to help the Government build the new democratic institutions.

27. The medium-term objective will be to further develop the criminal justice system by putting in place the necessary mechanisms for raising the professionalism of its personnel.

28. Finally, the long-term objective will be to create conditions that will enable the system to become firmly established, to achieve a basic level of professionalism and sustainability required, and to fully discharge its functions as one of the foundation blocks of democracy.

29. Project summary. The project will build on the results achieved in the earlier missions. It will be divided into three phases.

30. The first phase will consist in the provision of the services of two consultants to the Ministry of Justice for a period of six months, whose functions will be to give advice on the preparation of substantive and procedural penal legislation, the design and implementation of regulatory and administrative mechanisms to promote public service ethics, as well as appropriate measures with respect to the organization of the prosecutorial and judicial services. During the same period, 10 experts will be assigned to give guidance and advice to the courts at the provincial level. The first phase will also include a training course for judges, prosecutors, lawyers and public officials. An organizational mission will be given the task of facilitating cooperation with the newly elected Government.

31. The second phase will consist in the evaluation of the training course and the follow-up given to it. It will also comprise expert assistance to the Government in building the legal infrastructure of the country. Assistance will also be provided in organizing legal education, through the development of appropriate curricula.

32. The final phase will consist of training courses for trainers, on the basis of the new legislation. It will also comprise an evaluation of the project as well as recommendations for follow-up action, as appropriate.

33. Cost estimates. Costs related to advisory services (including the 12 above-mentioned consultants and equipment) are estimated at US$ 772,700, costs for training activities at US$ 364,600, legal education costs at US$ 90,000, and support costs (including organizational and evaluation missions from the Branch to Cambodia) at US$ 213,800, adding up to a total of US$ 1,441,100.

Annex II

NOTE VERBALE ON THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE FUND

7 December 1993

Excellency,

I have the honour to refer to General Assembly resolution 46/152, emphasizing, inter alia, the practical orientation of the United Nations crime prevention and criminal justice programme and the fact that the programme should provide States with practical assistance, as well as to General Assembly resolution 47/91, inviting Governments to lend their full support to the United Nations crime prevention and criminal justice programme and to increase their financial contributions to the United Nations Crime Prevention and Criminal Justice Fund.

Most recently, the Economic and Social Council, in its resolution 1993/34, expressed concern about the disparity between the need for technical assistance and the resources available for it, and recognized that the scope of international cooperation in all aspects of crime prevention and criminal justice should be extended and increased as a matter of utmost importance. Further, the resolution underlined that technical assistance programmes in crime prevention and criminal justice should be expanded and strengthened as a matter of urgency.

Accordingly, any kind of support your Government could extend to the United Nations crime prevention and criminal justice programme would be greatly appreciated, be it by financially contributing to the Fund or by other ways and means.

Your Excellency may wish to know that contributions in cash may be made to the Fund in order to strengthen the capacity of the United Nations to carry out technical cooperation projects at the country and regional levels, addressing policy-related questions and problems of national and international character and dimension in the field of crime prevention and delinquency and the administration of justice.

Contributions may also be earmarked by Governments for specific projects and activities relating to the United Nations programme of work in the field of crime prevention and criminal justice, including, if so desired, its network of interregional and regional training and research institutes around the world. The Fund, in the past, has been and is still used to finance the activities of the United Nations Interregional Crime and Justice Research Institute, as well as of the regional institutes, particularly those serving the developing regions.

For information and easy reference, a note on modalities to assist the United Nations crime prevention and criminal justice programme is enclosed herewith.*

In view of the mandate to inform the Commission on Crime Prevention and Criminal Justice at its third session, to be held at Vienna from 26 April to 6 May 1994, on progress made in the implementation of Council resolutions 1992/22 and 1993/31, both of which called for the strengthening of the programme, I would very much appreciate if a reply could be provided at the earliest convenience and not later than 1 February 1994.

Accept, Excellency, the assurances of my highest consideration.

Giorgio Giacomelli
Director-General
United Nations Office at Vienna

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*See annex III.

Annex III

MODALITIES OF ASSISTANCE TO THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME

1. The General Assembly has called upon Governments to support the activities of the United Nations crime prevention and criminal justice programme. Such assistance could be provided in various ways, including financial contributions to the Crime Prevention and Criminal Justice Fund, non-reimbursable loans, participation in the United Nations Associate Expert Programme, and the Internship Programme of the United Nations Office at Vienna.

A. Crime Prevention and Criminal Justice Fund

2. Under funds-in-trust arrangements, Governments can contribute a given amount of resources to the Crime Prevention and Criminal Justice Fund, which is included in the annual United Nations Pledging Conference for Development Activities, either as a general contribution or for specific programme activities.

3. Contributions to the Fund are subject to a non-refundable charge of 13 per cent of expenditures for support provided by the Secretariat to the programme activities, as well as an additional non-refundable charge of 1 per cent of net base salaries and fees of consultants as a reserve for medical, accident and related claims. Furthermore, a net operating reserve of 15 per cent of estimated annual planned expenditures is maintained to cover shortfalls and contingencies. Upon conclusion of planned activities, any unused contingency reserves may be refunded to donors, or under their instructions be used for any other activities financed from the Fund.

4. Under funds-in-trust, the United Nations Office at Vienna can establish posts and recruit staff to undertake programme activities. Staff could be recruited either:

(a) To undertake operational activities, in which case, staff will be administered under the 200 series of the United Nations Staff Rules. Recruitment can be effected in a rather short period;

(b) To undertake regular Secretariat activities, in which case, staff will be administered under the 100 series of the United Nations Staff Rules. Posts with a duration of more than a year would be considered as geographical distribution posts. Recruitment is based on circulation of the post advertisement (duration: 6-9 months).

5. Under funds-in-trust arrangements, consultants could be recruited.

6. Funds-in-trust could also be used to cover expenses for items such as:

(a) Preparation and hosting of training seminars, expert group meetings and other conferences;

(b) Preparation and production of training material and other publications;

(c) Advisory services and technical equipment for operational activities;

(d) Scholarships.

B. Participation in the United Nations Associate Expert Programme

7. Under the United Nations Associate Expert Programme, Governments, through the United Nations Department for Development Support and Management Services (DSMS) of the Secretariat, could fund posts at the United Nations Office at Vienna which are attached to technical assistance and operational projects. For that purpose, job descriptions will be established by the United Nations Office at Vienna and circulated among donor countries. Recruitment will be handled by DSMS on behalf of the United Nations Office at Vienna.

C. Non-reimbursable loans

8. A non-reimbursable loan of personnel from a Government or other sources is a loan of services of an individual without cost to the Organization for salary, allowances or other benefits. Under such arrangements, contrary to those under trust funds, the individual would not become a staff member of the United Nations, but would have the status of a consultant. This arrangement also calls for a contribution of 14 per cent of the estimated staff cost as overhead.

D. Participation in the Internship Programme of the United Nations Office at Vienna

9. The Internship Programme of the United Nations Office at Vienna is intended for holders of a first university degree who wish to study further or to work in a field relevant to the activities of the Crime Prevention and Criminal Justice Branch. The United Nations has no responsibility for the costs involved. Governments or other sources could sponsor interns for specific programme activities. Interns have no United Nations status.

E. United Nations International Crime and Justice Research Institute and regional affiliated institutes

10. Governments could sponsor similar activities carried out by UNICRI or one or more of the affiliated institutes which assist the Secretariat in implementing United Nations policies in crime prevention and criminal justice at the regional level, particularly those located in the developing regions (such as the African Institute for the Prevention of Crime and the Treatment of Offenders and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders).

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UNITED NATIONS STANDARDS AND NORMS IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

Report of the Secretary-General

Summary

The present report is an updated version of the previous report of the Secretary-General on the subject (E/CN.15/1993/6), which was submitted to the Commission on Crime Prevention and Criminal Justice at its second session. It provides a description of achievements and problems in the application of United Nations standards and norms in crime prevention and criminal justice. It focuses on ways and means of promoting their use and dissemination and of strengthening existing review procedures. Special attention is accorded to recent mandates of the Council in this area; for example, in its resolution 1993/34, section III, of 27 July 1993, the Council called upon the Commission, at its third session, to pay due attention to the results of the World Conference on Human Rights, held at Vienna in June 1993.

*E/CN.15/1994/1.

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CONTENTS

	Paragraphs	Page
INTRODUCTION	1-3	3
I. USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE	4-78	3
A. Implementation of existing United Nations standards and norms in crime prevention and criminal justice	4-68	3
1. Training programmes	5-15	4
2. Advisory services	16-19	5
3. Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice and other publications	20-23	6
4. Cooperation and coordination of activities	24-68	7
B. Information-gathering	69-78	15
II. CONCLUSIONS	79-82	17

INTRODUCTION

1. The present report gives an overview of the application of existing United Nations standards and norms in the field of crime prevention and criminal justice, pursuant to Economic and Social Council resolutions 1992/22, section VII, of 30 July 1992 and 1993/34, section III, of 27 July 1993. The report, which covers the period from 15 December 1992 to 31 January 1993, updates information provided in the previous report of the Secretary-General on the subject (E/CN.15/1993/6).

2. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its second session, the Council adopted resolution 1993/34. In section III of that resolution, the Council requested the Commission to establish, at its third session, an open-ended in-sessional working group in order to discuss, inter alia, the following issues: the role of the United Nations in promoting the use and application of standards, norms and guidelines in crime prevention and criminal justice; the evaluation of the reporting system and other sources of information; and measures to improve the dissemination of information, education and technical assistance to enhance their use and application. The present report provides background information for that working group.

3. Also in its resolution 1993/34, section III, the Council requested the Secretary-General:

(a) To assist Member States, at their request, in implementing existing United Nations standards in crime prevention and criminal justice;

(b) To strengthen and coordinate activities in this field, including advisory services, training programmes and fellowships;

(c) To commence without delay a process of information-gathering, to be undertaken by means of surveys, such as reporting systems, and contributions from other sources, initially paying attention to the following United Nations standards, norms and guidelines: the Standard Minimum Rules for the Treatment of Prisoners;[1] the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex, of 17 December 1979), together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[2] the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, annex, of 29 November 1985); and the Basic Principles on the Independence of the Judiciary.[3] The surveys should be conducted over a two-year period in order to enable Member States to have sufficient time to provide replies. The results of the first surveys should be considered at the earliest possible session of the Commission.

I. USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS IN CRIME PREVENTION AND CRIMINAL JUSTICE

A. Implementation of existing United Nations standards and norms in crime prevention and criminal justice

4. There is a close relationship between implementing existing United Nations standards and norms in crime prevention and criminal justice and strengthening and coordinating activities in that field. Pursuant to the requests of the Council referred to in subparagraphs 3 (a) and (b) above, the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna has undertaken a number of activities such as the development of training programmes and the preparation of handbooks and manuals and advisory services, in cooperation with other United Nations entities with a human rights dimension in their programmes and with interested non-governmental organizations.

1. Training programmes

5. Efficient and fair criminal justice systems are essential to sustainable social and economic development. Therefore, United Nations standards and norms in crime prevention and criminal justice should be an integral part of technical cooperation projects. The provision of technical assistance and personnel training, including the preparation and use of handbooks and manuals, is the best means of effectively enhancing the use and application of those standards and norms.

6. The Crime Prevention and Criminal Justice Branch has been actively involved in the organization and coordination of technical cooperation projects in crime prevention and criminal justice, focusing on the promotion of the use and application of United Nations standards and norms in that field.

7. A representative of the Crime Prevention and Criminal Justice Branch took part in a training course on criminal justice and human rights in Namibia, organized by the Raoul Wallenberg Institute of Human Rights and Humanitarian Law; the training course was held at Otjiwarongo, Namibia, from 29 March to 2 April 1993. The participants in the training course included high-ranking Namibian officials from the police, the military, the immigration office, the Ministry of Home Affairs and the Ministry of Justice. Extensive information was provided on United Nations standards and norms in crime prevention and criminal justice, in particular, on the Standard Minimum Rules for the Treatment of Prisoners, the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the Basic Principles on the Independence of the Judiciary. Relevant Namibian legislation and the criminal justice situation in practice were taken into account.

8. A representative of the Branch was actively involved in the second training course on criminal justice and human rights in Namibia, held at Etosha Park, Namibia, from 10 to 22 September 1993. That training course was also organized by the Raoul Wallenberg Institute. To ensure follow-up on the first training course, many of the persons who had participated in that course were invited to attend the second one. There was a more advanced level of discussion on various topics, including case-studies on human rights and law enforcement, the role of non-governmental organizations, the dissemination of United Nations instruments, the treatment of prisoners, immigration law and the Namibian legal system.

9. The Branch was also involved in three workshops or training courses organized by the Raoul Wallenberg Institute for criminal justice practitioners in the African region. A training course on prison administration in the African context and United Nations standards and norms in crime prevention and criminal justice was held at Kampala from 16 to 18 September 1993. Senior prison administrators in Uganda participated in discussions that dealt with the use and application of such United Nations standards and norms in the African context.

10. A training course on law enforcement and United Nations standards and norms in crime prevention and criminal justice, organized by the Raoul Wallenberg Institute in cooperation with the Branch, was held at Pretoria, South Africa, from 20 to 22 September 1993. It was attended by a wide variety of individuals, including South African law enforcement officials. Considerable interest was expressed in making information about United Nations standards in crime prevention and criminal justice more widely available in South Africa.

11. A workshop on human rights and humanitarian law, organized by the Raoul Wallenberg Institute, the International Committee of the Red Cross and the International Foundation of the Red Cross, was held at Harare from 29 November to 3 December 1993. The workshop was attended by some 60 representatives from ministries, law enforcement and prison officials, immigration officers and military

staff. It provided an opportunity to, inter alia, discuss the practical application of United Nations standards and norms in crime prevention and criminal justice in the daily work of the participants.

12. The Branch took part in a training course for instructors of the police academies of Bucharest, held at Bucharest from 1 to 5 March 1993. The training course was organized in cooperation with the Centre for Human Rights of the Secretariat and the Romanian Institute for Human Rights as follow-up to a similar training course held in that city in October 1992. Attention was paid to the legal status and rights of the accused during arrest and pre-trial detention, protection and redress for victims, non-discrimination and community policy. Reforms to enable the Romanian criminal justice system to overcome difficulties facing it were also discussed.

13. A representative of the Branch was actively involved in a conference on improving international standards in the Romanian penal system, held at Bucharest from 23 to 25 November 1993. The conference, which was organized by Penal Reform International and the Romanian Independent Society for Human Rights, served as a training programme for members of the judiciary and officials in the penal system in Romania.

14. A representative of the Branch also took part in a training course on human rights in the administration of justice, for judges, lawyers, and prosecutors in Romania, held at Bucharest from 30 November to 3 December 1993. The training course was organized by the Government of Romania, the Centre for Human Rights of the Secretariat and the Romanian Institute for Human Rights. Special attention was paid to the role of judges, lawyers and prosecutors within the framework of the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers,[4] and the Guidelines on the Role of Prosecutors.[5] Due attention was also given to law enforcement and criminal justice conditions in the host country.

15. In view of the fact that Romania has recently become a member of the Council of Europe, it is especially important not only to strengthen the democratization and to enhance the rule of law and the observance of and respect for human rights in the country, but also to help the Government to control the rising criminality, resulting from, among other things, organized crime and drug trafficking (Romania is used as a transit country). Such efforts are being undertaken in close cooperation with the Government, the Centre for Human Rights of the Secretariat, the United Nations Development Programme (UNDP) Resident Representative in Romania, the Council of Europe and interested non-governmental organizations.

2. Advisory services

16. United Nations standards and norms in crime prevention and criminal justice provide a basis for advisory services rendered to Member States, especially developing countries and countries in transition, that are reforming their criminal justice systems. The Interregional Adviser for Crime Prevention and Criminal Justice and the regional adviser assigned to the Economic and Social Commission for Asia and the Pacific (ESCAP) are responsible for providing direct advisory services to Governments at their request. Their main task is to translate United Nations instruments into specific actions that take into account the economic, social, cultural and political circumstances of the country concerned. In this connection, expanding the number of the interregional and regional advisers would be one of the most effective means of promoting the use and application of United Nations standards and norms in crime prevention and criminal justice.

17. From December 1992 to January 1993, the Interregional Adviser undertook missions to Jordan, Mongolia, Namibia, Nicaragua and Swaziland. All those missions were related to the development of criminal justice systems. In addition to the discussion of United Nations instruments, such as the

Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111, annex, of 14 December 1990), the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Basic Principles on the Independence of the Judiciary, and the Guidelines on the Role of Prosecutors, specific suggestions were made on how those standards could be reflected in domestic legislation and put into practice in those countries.

18. The ESCAP regional adviser, whose post is funded by contributions from the Government of Japan, undertakes advisory missions to countries in Asia and the Pacific. Due to financial restraints, however, the number of his missions has been limited. Although official requests had been received, through UNDP, from eight developing countries in the region for advisory services, the regional adviser was only able to undertake missions to Cambodia, Hong Kong, Malaysia and the Philippines.

19. While the necessity for the appointment of additional regional advisers has frequently been emphasized, the only post that has been created so far is that of the regional adviser in the ESCAP region. More regional advisers are required in order to promote the effective use and application of United Nations standards and norms in crime prevention and criminal justice and, in particular, to ensure realistic approaches that take into consideration the social, cultural and economic conditions of the regions concerned. The regional advisers will need to work in close cooperation with the Crime Prevention and Criminal Justice Branch.

3. Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice and other publications

20. The Council, in its resolution 1993/34, section III, requested the Secretary-General to ensure the widest possible dissemination of the texts of the standards contained in the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice,[6] which had been published in English only. It called for a reprint of the Compendium in English and its publication in the other five official languages of the United Nations. It cannot be overemphasized that the United Nations crime prevention and criminal justice programme must utilize the Compendium not only in its advisory services, but also in training seminars and workshops. The United Nations instruments in crime prevention and criminal justice cannot be respected unless they are made available to all practitioners in the field, so that they may use them on a day-to-day basis.

21. A contribution by the Government of the United Kingdom of Great Britain and Northern Ireland made it possible for the Compendium to be reprinted in English. That was done primarily to make copies of it available at the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993. All the remaining copies of it in English were disseminated at training courses. Thus, there is an urgent need to reprint the Compendium in English in order to ensure that the instruments contained in it are available to both policy makers and practitioners in the field.

22. The Secretary-General had the Compendium translated into other official languages of the United Nations. The Governments of China, France, the Russian Federation and Spain have committed themselves to the funding of its publication in their national languages. The Government of Saudi Arabia is exploring the possibility of funding the publication of the Compendium in Arabic.

23. A United Nations composite manual on juvenile justice standards, policy and implementation is being prepared by the Branch. The manual will assist Member States in developing and evaluating programmes and formulating policy on the basis of United Nations standards in juvenile justice. It will provide a guide for professionals in the field of juvenile justice. It is hoped that the manual will be widely used by juvenile justice professionals, regardless of their legal system, in scientific research,

cross-sectoral training, interdisciplinary programme development and evaluation and policy formulation, with a view towards improving juvenile justice administration and service delivery mechanisms. A draft of the manual was considered by the standing advisory group of eminent experts at a meeting organized by the Arab Security Studies and Training Centre and held at its headquarters at Riyadh from 28 April to 4 May 1994; the manual is to be finalized at an expert meeting to be held at Reno, United States of America, in May 1994. It will be published by the Centre in Arabic and in English by the end of 1994.

4. Cooperation and coordination of activities

(a) Other United Nations entities

(i) International Year of the Family

24. The International Year of the Family, which is being observed in 1994, offers an opportunity to highlight further the important role of the family in crime prevention and criminal justice and to promote action on the various related aspects. This role is specified, inter alia, in the three standards on juvenile justice: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), contained in General Assembly resolution 40/33, annex, of 29 November 1985; the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), contained in General Assembly resolution 45/112, annex, of 14 December 1990; and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, contained in General Assembly resolution 45/113, annex, of 14 December 1990.

25. The Riyadh Guidelines outline the important contribution that a healthy and stable family, as an agent for primary socialization and social control and a role model, can make in rearing children to be productive, integral members of society, free from crime, victimization and conflict with the law. The Beijing Rules and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, which deal with the treatment and handling of young persons who have already come into conflict with the law, highlight the importance of families to young persons in detention.

26. Families have a pivotal role to play in the treatment and rehabilitation of members who have been convicted of crimes. The United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), contained in General Assembly resolution 45/110, annex, of 14 December 1990, place special emphasis on the role of the family in this area, because non-custodial measures are most effective where there are coordinated efforts, with adequate support, by the family of the offender, the correctional system and social welfare agencies.

27. On the occasion of the International Year of the Family, the role of the family in United Nations standards and norms in crime prevention and criminal justice will be emphasized. For this purpose, a report entitled Family and Crime[7] was prepared by the Crime Prevention and Criminal Justice Branch and published by the secretariat for the International Year of the Family.

28. With a view to promoting activities of the United Nations crime prevention and criminal justice programme related to the International Year of the Family, representatives of the Branch will participate in the Fourth Ad Hoc Inter-Agency Meeting on the International Year of the Family, to be held at Vienna from 29 to 31 March 1994.

29. Five regional preparatory meetings for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, as well as the third session of the Commission on Crime Prevention and Criminal Justice, are being held in the course of the International Year of the Family. The attention of the Commission is drawn to General Assembly resolution 44/82 of 8 December 1989,

in which the Assembly decided that the major activities for the observance of the International Year of the Family should be concentrated at the local, regional and national levels and should be assisted by the United Nations and its system of organizations.

(ii) Human rights

30. In its resolution 1993/34, the Economic and Social Council commended the World Conference on Human Rights for bearing in mind the existence of important United Nations standards and norms in the administration of justice. Also in that resolution, the Council called upon the Commission on Crime Prevention and Criminal Justice, at its third session, to pay due attention to the results of the World Conference as far as crime prevention and criminal justice issues were concerned.

31. The World Conference, which was attended by representatives of the Crime Prevention and Criminal Justice Branch, had before it a document containing, among other things, a review and assessment of the progress made in the field of human rights relevant to crime prevention and criminal justice (A/CONF.157/PC/61/Add.5). In addition, a description of the work of the United Nations in that area was made available to participants at the World Conference in the form of the Compendium.

32. In the Vienna Declaration and Programme of Action adopted by the World Conference, it is stated (A/CONF.157/23, sect. I, para. 4):

> "The promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights is a legitimate concern of the international community. The organs and specialized agencies related to human rights should therefore further enhance the coordination of their activities based on the consistent and objective application of international human rights instruments."

33. In the Vienna Declaration and Programme of Action, the following is also stated (A/CONF.157/23, sect. I, para. 27):

> "Every State should provide an effective framework of remedies to redress human rights grievances or violations. The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession in full conformity with applicable standards contained in international human rights instruments, are essential to the full and non-discriminatory realization of human rights and indispensable to the processes of democracy and sustainable development. In this context, institutions concerned with the administration of justice should be properly funded, and an increased level of both technical and financial assistance should be provided by the international community."

34. The World Conference recommended increased coordination in support of human rights and fundamental freedoms within the United Nations system. To that end, it urged all United Nations organs, bodies and the specialized agencies whose activities dealt with human rights to cooperate in order to strengthen, rationalize and streamline their activities, taking into account the need to avoid duplication (A/CONF.157/23, sect. II, para. 1).

35. The General Assembly, in its resolution 48/103 of 20 December 1993, on crime prevention and criminal justice, requested the Secretary-General to take all necessary measures to assist the Commission in performing its functions as the principal policy-making body in the field of crime prevention and

criminal justice and to ensure the proper coordination of all relevant activities in the field, in particular with the Commission on Human Rights and the Commission on Narcotic Drugs.

36. After having considered the report of the Secretary-General on human rights in the administration of justice (A/48/575), the Assembly, in its resolution 48/137 of 20 December 1993, on human rights in the administration of justice, invited the Commission on Crime Prevention and Criminal Justice to pay particular attention to questions relating to the administration of justice, with special emphasis on the effective implementation of norms and standards.

37. The Economic and Social Council, in its resolution 1993/48 of 28 July 1993, requested the Secretary-General to submit a report to the Council, at its substantive session of 1994, on the steps taken to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983 by those Member States, United Nations organizations and other intergovernmental organizations that had not yet submitted such information. In the same resolution, the Council requested the Secretary-General to include in that report information on the matter of close collaboration of the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice with the Centre for Human Rights on the issue of the suppression of contemporary forms of slavery.

38. The Commission on Human Rights, in its resolution 1993/41 of 5 March 1993, on human rights in the administration of justice, invited the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards. In its resolution 1993/49 of 9 March 1993, the Commission on Human Rights expressed its appreciation for the enhanced cooperation between the Centre for Human Rights, and, inter alia, the Crime Prevention and Criminal Justice Branch.

39. The Commission on Human Rights, in its resolution 1993/44 of 5 March 1993, reaffirmed the importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice. In the same resolution, the Commission on Human Rights endorsed resolution 1992/38 of 28 August 1992 of the Subcommission on Prevention of Discrimination and Protection of Minorities, in which the Subcommission decided to entrust the Special Rapporteur on the Independence of the Judiciary and the Protection of Practising Lawyers with the preparation of a report containing, inter alia, an examination of the ways and means of enhancing cooperation and avoiding overlapping and duplication in the work of the Commission on Crime Prevention and Criminal Justice and that of the Subcommission.

40. The Commission on Human Rights, in its resolution 1993/32 of 5 March 1993, on the administration of justice and human rights, urged Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more resources to them. Furthermore, in its resolution 1993/71 of 10 March 1993, the Commission on Human Rights encouraged Governments, United Nations bodies and organs, the specialized agencies, intergovernmental organizations and non-governmental organizations to initiate, coordinate or support programmes designed to train and educate law enforcement officers and government officials on human rights issues connected with their work, and appealed to the international community to support endeavours to that end.

41. On the recommendation of the Commission on Crime Prevention and Criminal Justice, the Economic and Social Council adopted resolution 1993/34. In section II of that resolution, the Council reaffirmed the importance of United Nations standards, norms and guidelines in crime prevention and criminal justice. In section II of that resolution, the Council noted with appreciation the cooperation between the Crime Prevention and Criminal Justice Branch and the Centre for Human Rights and recommended that such cooperation be expanded and intensified.

42. As part of its efforts to cooperate with the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch has provided information on diverse subjects of common interest. Some of this information has been used by the Centre, together with special rapporteurs, in preparing studies. The following issues on human rights related to crime prevention and criminal justice have been the subject of resolutions and decisions of the Economic and Social Council, the Commission on Human Rights and/or the Subcommission on Prevention of Discrimination and Protection of Minorities:

(a) Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers;*

(b) Question of human rights and states of emergency;**

(c) Question of the impunity of perpetrators of violations of human rights;***

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;****

(e) The right to a fair trial;*****

(f) Application of international standards concerning the human rights of detained juveniles;†

(g) Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms;††

(h) Recognition of gross and large-scale violations of human rights as an international crime.†††

43. The Subcommission, in its resolution 1993/39, recommended to the Commission on Human Rights that it create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack that independence and impartiality.

(iii) Advancement of women

44. The Economic and Social Council, in its resolution 1993/26 of 27 July 1993, requested the Commission on Crime Prevention and Criminal Justice to include the issue of violence against women in all its forms in the provisional agenda for its third session. While this issue is to be discussed by the Commission under item 3 of its provisional agenda, dealing with the review of priority themes, it is also

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*See Council decision 1993/267 of 28 July 1993, Commission on Human Rights resolution 1993/44 and Subcommission resolution 1993/39 of 25 August 1993.

**See Council decision 1993/265 of 28 July 1993, Commission on Human Rights resolution 1993/42 of 5 March 1993 and Subcommission resolution 1993/28 of 25 August 1993.

***See Council decision 1993/266 of 28 July 1993, Commission on Human Rights resolution 1993/43 of 5 March 1993 and Subcommission resolution 1993/37 of 26 August 1993.

****See Council resolution 1993/46 of 28 July 1993 and Commission on Human Rights resolution 1993/34 of 5 March 1993.

*****See Subcommission resolution 1993/26 of 25 August 1993.

†See Subcommission resolution 1993/27 of 25 August 1993.

††See Subcommission resolution 1993/29 of 25 August 1993.

†††See Subcommission resolution 1993/30 of 25 August 1993.

of great relevance to its discussion of item 6 of the provisional agenda, on United Nations standards and norms in crime prevention and criminal justice.

45. The protection of women from all criminality, more generally, the protection of victims, is within the scope of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The Declaration includes recommendations on measures to be taken to improve access to justice and fair treatment, restitution, compensation and social assistance for victims of crime. Such measures are of special importance to the protection of women.

46. In June 1993, the Crime Prevention and Criminal Justice Branch, pursuant to General Assembly resolution 45/114 of 14 December 1990, published a resource manual on strategies for confronting domestic violence.[8] A draft version of the manual had been prepared in collaboration with the Government of Canada and the European Institute for Crime Prevention and Control, affiliated with the United Nations* and had been reviewed at the Expert Group Meeting on Domestic Violence, hosted by the International Centre for Criminal Law Reform and Criminal Justice Policy at Vancouver, Canada, from 22 to 25 March 1992. The manual identifies different strategies that governments, police, social service agencies, health workers, community organizations and women's groups around the world are using to confront the violence that women suffer at home. The Economic and Social Council, in its resolution 1993/26, welcomed the extrabudgetary funds provided by the European Institute for Crime Prevention and Control, affiliated with the United Nations, for the publication of the manual in English and requested the Secretary-General to publish it in the other official languages of the United Nations. The Secretariat is seeking potential donors to provide the necessary funds to translate and publish the manual in those other languages.

47. On the recommendation of the Commission on the Status of Women at its thirty-seventh session, the General Assembly adopted resolution 48/104 of 20 December 1993, on the Declaration on the Elimination of Violence against Women. According to article 4 of the Declaration, States should, inter alia:

(a) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

(b) Develop, in a comprehensive way, preventive approaches and all those measures of a legal, political, administrative and cultural nature that promote the protection of women against any form of violence, and ensure that the re-victimization of women does not occur because of gender-insensitive laws, enforcement practices or other interventions;

(c) Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and punish violence against women receive training to sensitize them to the needs of women.

48. According to article 5 of the Declaration, the organs and specialized agencies of the United Nations system should, within their respective fields of competence, inter alia:

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*Formerly called the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations.

(a) Foster international and regional cooperation with a view to defining regional strategies for combating violence, exchanging experiences and financing programmes relating to the elimination of violence against women;

(b) Promote meetings and seminars with the aim of creating and raising awareness among all persons in respect of the issue of the elimination of violence against women.

49. An expert group meeting on measures to eradicate violence against women, organized by the Division for the Advancement of Women of the Secretariat, under the auspices of the Centre for Women's Global Leadership, was held at New Brunswick, New Jersey, United States, from 4 to 8 October 1993. The expert group made several recommendations of relevance to the United Nations crime prevention and criminal justice programme. In particular, it recommended that the Commission should consider the following:

(a) Urging States to gather data on a sex-disaggregated basis;

(b) Urging States to record the relationship between the victim and offender in statistics related to violence;

(c) Requesting all United Nations bodies and institutions concerned with crime prevention and criminal justice to do the same;

(d) Urging the United Nations Criminal Justice Information Network to design and integrate an information system providing appropriate data on violence against women;

(e) Requesting the Secretary-General to establish a formal network to coordinate the work of the United Nations interregional, regional and affiliated criminal justice institutes on issues relating to violence against women and the equitable treatment of women within the administration of justice.

50. The expert group also recommended the following:

(a) Gender-based issues and, particularly, gender-based violence against women should be incorporated into the four agenda priority items at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

(b) An interregional adviser on gender-based violence against women should be appointed within the regular programme of technical cooperation of the United Nations;

(c) In conjunction with women's non-governmental organizations, the components of the United Nations crime prevention bodies should conduct research on the effect of the criminal justice system on the individual offender and on the reduction of violence in society generally.

(iv) World Summit for Social Development

51. The World Summit for Social Development, to be held early in 1995, is expected to focus its attention on, among other things, enhancing social integration, an issue of great relevance to the use and application of standards and norms in crime prevention and criminal justice.

52. It is broadly understood that crime should not be interpreted merely as a problem of illegal behaviour and law enforcement, but also as a phenomenon closely linked with economic and social development. According to article 11 of the Declaration on Social Progress and Development,

proclaimed by the General Assembly by its resolution 2542 (XXIV) of 11 December 1969, social progress and development shall aim equally at the attainment of certain main goals, including the provision of social defence measures and the elimination of conditions leading to crime and delinquency, especially juvenile delinquency.

53. In the United Nations crime prevention and criminal justice programme, special attention has always been accorded to the elaboration and application of standards to social issues, such as the important role played by the family in crime prevention; better social integration, particularly of disadvantaged and marginalized groups; and the promotion of programmes to ensure social justice and legal protection, effective social services and adequate education and training for different segments of society.

54. The Beijing Rules (rules 1.1-1.6) and the Riyadh Guidelines (paragraphs 11-19 and 32-39) stress the importance of furthering the well-being of the juvenile and the family and the development of conditions that will ensure for the juvenile a meaningful life and opportunities for socially useful activities in the community.

55. In addition, the Standard Minimum Rules for the Treatment of Prisoners (rules 79-83), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (rules 1-10), the Basic Principles for the Treatment of Prisoners, and the Tokyo Rules (rule 1.5) all emphasize the need to create favourable conditions for the reintegration of offenders into society.

56. The General Assembly, by its resolution 45/107 of 14 December 1990, adopted the recommendations on international cooperation for crime prevention and criminal justice in the context of development. The recommendations, contained in the annex to that resolution, outline comprehensive prevention strategies to cope with crime prevention and criminal justice and call for an intensification of the struggle against crime by promoting the rule of law, with due regard to human rights of individuals and groups. Special emphasis is also placed on reforming criminal law, incorporating prevention policies into national development planning, and promoting international, scientific and technical cooperation in crime prevention and criminal justice.

(v) International Law Commission

57. The Economic and Social Council, in its resolution 1992/22, section IV, requested the Commission on Crime Prevention and Criminal Justice to cooperate closely with the International Law Commission. The possible establishment of an international criminal jurisdiction was considered one area of immediate common interest. In its resolution 1993/34, section V, the Council recommended that the Secretary-General should consider resorting, where appropriate, to the expertise available in the Crime Prevention and Criminal Justice Branch in matters related to the work of the International Law Commission on the preparation of a draft statute for the international criminal court and the draft code of crimes against the peace and security of mankind.

58. The Branch has participated in international conferences on the establishment of an international criminal court, such as the World Conference on the Establishment of an International Criminal Tribunal to Enforce International Criminal Law and Human Rights, held at Siracusa, Italy, from 2 to 5 December 1992 under the auspices of the International Institute of Higher Studies in Criminal Sciences, and the International Meeting of Experts on the Establishment of an International Criminal Court, held at Vancouver, Canada, from 22 to 26 March 1993 under the auspices of the International Centre for Criminal Law Reform and Criminal Justice Policy. Draft statutes for an international criminal court have been developed by the International Law Association and the International Institute of Higher Studies in Criminal Sciences.

59. In its resolution 827 (1993) of 25 May 1993, the Security Council, convinced that in the particular circumstances of the former Yugoslavia the establishment as an ad hoc measure of an international tribunal and the prosecution of persons responsible for serious violations of international humanitarian law would enable that aim to be achieved and would contribute to the restoration and maintenance of peace, decided to establish the International Tribunal and to adopt the Statute of the International Tribunal.

60. The General Assembly, in its resolution 48/31 of 9 December 1993, took note with appreciation of chapter II of the report of the International Law Commission on the work of its forty-fifth session,[9] which was devoted to the question of a draft statute for an international criminal court. In the same resolution, the Assembly invited States to submit to the Secretary-General by 15 February 1994, as requested by the International Law Commission, written comments on the draft articles proposed by the working group on a draft statute for an international criminal court.

(b) Institutes

61. Cooperation with institutes affiliated or associated with the United Nations and coordination of their activities are crucial to the use and application of United Nations standards and norms, as outlined in the report of the Secretary-General (E/CN.15/1994/10).

(c) Non-governmental organizations

62. Non-governmental organizations have contributed significantly to the promotion, use and application of United Nations standards and norms in crime prevention and criminal justice by holding seminars and meetings, conducting individual research and studies, and publishing reports and manuals on the subject.

63. Joint technical publications are an area in which such cooperation with non-governmental organizations has been developed. For example, the Crime Prevention and Criminal Justice Branch, in collaboration with the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, the Asia Crime Prevention Foundation and the International Penal and Penitentiary Foundation, has published the Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),[10] which provide practical guidelines on the use and application of the Tokyo Rules at the regional level. In addition, with the assistance of the Religious Society of Friends (Quakers), the Branch has published a study on life imprisonment[11] that focuses on the treatment of life-sentence prisoners, taking into account the Standard Minimum Rules for the Treatment of Prisoners. In addition, the Branch is preparing, in cooperation with the Centre for Human Rights and the Minnesota Lawyers' International Human Rights Committee, a manual on international standards related to pre-trial detention. The United Nations Educational, Scientific and Cultural Organization (UNESCO) Institute for Education at Hamburg, Germany, in cooperation with the Crime Prevention and Criminal Justice Branch, will publish a manual on basic education in prison in 1994. A meeting to finalize the publication of the manual was held at Hamburg from 14 to 18 January 1994. Further cooperation with the Minnesota Lawyers' International Human Rights Committee is being planned in the area of witness protection.

64. United Nations activities aimed at promoting the use and application of standards and norms benefit greatly from cooperation with and contributions from interested non-governmental organizations. The International League for Human Rights, Amnesty International and the World Organization against Torture (SOS-Torture) continue to draw attention to torture and other forms of mistreatment of prisoners, which violate the Standard Minimum Rules for the Treatment of Prisoners. The International Commission of Jurists, the International Association of Judges and the International Bar Association are

seeking to promote the Basic Principles on the Independence of the Judiciary and the Basic Principles on the Role of Lawyers.

65. On the occasion of the eleventh International Congress on Criminology, held at Budapest from 22 to 27 August 1993, an international committee composed of individuals from Germany, Hungary, Ireland and the Netherlands was set up to explore the establishment of an international association of prosecutors, with a view to promoting international cooperation among prosecutors and the application of the Guidelines on the Role of Prosecutors.

66. Furthermore, the Conference of the International Bar Association, held at Cannes in September 1992, a subcommittee for prosecutors was established. The general objectives of the subcommittee included:

(a) The enhancement of the role of the prosecutor as a minister of justice within the judicial system;

(b) The study of procedures designed to ensure the fair administration of criminal justice, the avoidance of miscarriages of justice and the protection of all civil liberties;

(c) The identification of the ethical standards required of the prosecutor.

In order to ensure coordinated activities in this area, cooperation has been established between the above-mentioned subcommittee and the international committee set up at the eleventh International Congress on Criminology.

67. The Alliance of NGOs on Crime Prevention and Criminal Justice (New York) has conducted surveys on health care in prisons, in consultation with the Crime Prevention and Criminal Justice Branch. The Alliance of NGOs on Crime Prevention and Criminal Justice (Vienna) played a significant role in the elaboration of Economic and Social Council resolution 1993/34, section III, on United Nations standards and norms in crime prevention and criminal justice; it also played an important role in the organization of a training course in reorganization of penal reform in Romania.

68. The International Scientific and Professional Advisory Council acted as host to a meeting of experts on victim protection and conflict resolution, held at Oñate, Spain, from 12 to 16 May 1993, with a view to exploring the ways and means of promoting the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. In addition, the third plenary session of the International Scientific and Professional Advisory Council, held at Courmayeur, Italy, from 28 August to 1 September 1993, resulted in the establishment of a resource committee on human rights in criminal justice. The committee supports activities of the Branch in this area and is compiling a list of training manuals on human rights for use by national police and prison systems.

B. Information-gathering

69. The Branch, in order to commence a process of information-gathering, pursuant to the request of the Council referred to in subparagraph 3 (c) above, developed survey instruments in the form of draft questionnaires on the use and application of the following United Nations standards and norms:

(a) The Standard Minimum Rules for the Treatment of Prisoners;

(b) The Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(c) The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

(d) The Basic Principles on the Independence of the Judiciary.

70. The draft questionnaires will be made available to the Commission so that it may give guidance and make recommendations on further action by the Secretariat. In order to avoid overburdening the government officials to whom the questionnaires will be sent, the number of questions has been limited.

71. Some factors considered in developing the draft questionnaires were:

(a) The time to be allowed for sending replies to the questionnaire;

(b) The limited capacity of some Member States to compile their replies;

(c) Other difficulties some Member States might have in compiling replies;

(d) The content of the questionnaires.

72. The draft questionnaires have been designed to provide the Commission with precise information. In developing the draft questionnaires, the wording used in the provisions of the United Nations standard or norm in question has been followed wherever possible. After each provision, boxes have been introduced for replies. By marking one or more of the alternatives provided in each box, the degree to which a specific provision has been applied can be indicated. At the end of each section, Member States will be invited to add comments on their specific situation. At the end of each questionnaire, Member States will have an opportunity to express their interest in receiving assistance in, for example, the promulgation of standards, planning, research, administrative training, exchange of experience, and financial aid.

73. The Secretariat has attempted to develop the draft questionnaires in such a way as to reduce to a minimum the time required for Member States to compile their replies to the questionnaires. The proposed method of gathering the information is also intended to reduce the time and resources required to evaluate the replies. At the same time, it would maintain the advantages of an open-ended questionnaire in which the specific structure and situation of the criminal justice system of the Member State concerned could be emphasized. It is envisaged that the data, which will be available in computerized form, will provide the basis for written reports and may also be used to respond to specific questions from the Commission. Experts in the field have been consulted on the draft questionnaires.

74. Any type of information-gathering that uses questionnaires as a basic tool is no better than the replies received. Over the years, the Crime Prevention and Criminal Justice Branch has submitted 17 reports on the use and application of 8 different United Nations standards and norms in the field to the Economic and Social Council, the United Nations congresses on the prevention of crime and the treatment of offenders and the former Committee on Crime Prevention and Control. As mentioned in the report of the Secretary-General on existing United Nations standards and norms, which serve as recommendations to Member States, in the field of crime prevention and criminal justice in the light of and including their use and application (E/CN.15/1993/6, annex III), in the period 1987-1990, notes verbales and questionnaires were sent out to Member States in respect of the following United Nations standards and norms on crime prevention and criminal justice:

(a) Standard Minimum Rules for the Treatment of Prisoners (A/CONF.144/11);

(b) Code of Conduct for Law Enforcement Officials (E/AC.57/1988/8 and Add.1/Rev.1);

(c) Safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.1 and 2);

(d) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (E/AC.57/1988/3);

(e) Basic Principles on the Independence of the Judiciary (A/CONF.144/19 and Corr.1);

(f) United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (A/CONF.144/4).

75. For the most part, previous reports on the application of United Nations standards and norms in crime prevention and criminal justice relied on replies by Governments to periodic United Nations questionnaires on the subject. Because of their small number, those replies could be relied on only to a limited extent. Between 30 per cent and 45 per cent of Member States replied to the questionnaires on the above-mentioned subjects.

76. In view of the low response rates, the Secretariat had to make great efforts to evaluate incoming replies, reflecting not only the use and application of the United Nations standards and norms but also taking into account differences in the criminal justice systems of Member States and their inherent practical problems. In addition, the reports, once submitted, had only a limited practical impact because the former Committee on Crime Prevention and Control and the congresses did not have the means or the time to evaluate them and follow up on them.

77. In the light of the low rate of response to previous survey instruments, the Commission may wish to explore ways of ensuring an adequate number of replies to the questionnaires and to explore other means by which such information could be gathered. In section II of the present report, the attention of the Commission is drawn to some possible alternatives.

78. In pursuance of Economic and Social Council resolution 1745 (LIV) of 16 May 1973, the Branch has prepared quinquennial surveys on capital punishment. Pursuant to Economic and Social Council resolution 1986/10, section X, of 21 May 1986, the Secretary-General submitted to the Committee on Crime Prevention and Control at its tenth session a report on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/AC.57/1988/9 and Corr.1 and 2). In accordance with Economic and Social Council resolution 1989/64 of 24 May 1989, a report of the Secretary-General (E/1990/38/Rev.1 and Add.1) on capital punishment and a report of the Secretary-General (E/AC.57/1988/9 and Corr.1 and 2) on implementation of the United Nations safeguards guaranteeing protection of the rights of those facing the death penalty were submitted to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August-7 September 1990. In 1995, the Secretary-General will continue reporting on the implementation of the safeguards, as well as the question of capital punishment, pursuant to Council resolution 1989/64, paragraph 6, and decision 1994/206 of 3 February 1994.

II. CONCLUSIONS

79. United Nations standards, norms, guidelines and model treaties in crime prevention and criminal justice represent internationally agreed upon principles of desirable practice on the basis of which Governments can assess their own systems and contribute to the concept of an international rule of law. They are a distillation of expert advice and government recommendations and can serve as a point of departure for developing national policies.

80. The importance of such standards, norms, guidelines and model treaties was underlined recently by the General Assembly in its resolution 48/137, on human rights in the administration of justice. In that resolution the Assembly strongly recommended that the establishment of a comprehensive programme within the system of advisory services and technical assistance be considered in order to help States in the task of building and strengthening adequate national structures that had a direct impact on the overall observance of human rights and the maintenance of the rule of law; such a programme should provide, upon the request of the interested Governments, technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activity relevant to the good functioning of the rule of law.

81. The United Nations standards, norms and guidelines in crime prevention and criminal justice can provide a basis both for domestic legislation and for bilateral and multilateral cooperation against national and transnational forms of crime. For these reasons, the Commission on Crime Prevention and Criminal Justice may wish to call upon Member States to align national rules and practices with those standards, norms and guidelines, wherever possible.

82. A variety of steps could be taken towards further developing the United Nations crime prevention and criminal justice programme in a way that would improve the efficacy of all United Nations standards and norms in crime prevention and criminal justice. These could include the following:

(a) Training programmes:

(i) Requesting the Secretary-General to expand the current technical assistance programme, including training programmes and fellowships, with a view to strengthening further joint activities, including those with other United Nations entities, institutes and non-governmental organizations;

(ii) Requesting the Secretary-General to continue the development of manuals and guidelines on United Nations standards and norms for law enforcement officials and criminal justice personnel;

(iii) Calling on States to strengthen the human and financial resources available to the Branch by contributing to the United Nations Crime Prevention and Criminal Justice Fund in order to enable the Branch to better assist States by conducting seminars, workshops and other training programmes;

(b) Advisory services:

(i) Strengthening the interregional and regional advisory services of the United Nations crime prevention and criminal justice programme by expanding the number of regional advisers and providing the necessary resources for them to collaborate closely with the Crime Prevention and Criminal Justice Branch;

(ii) Expanding the provision of technical assistance to Member States, at their request, in order to promote the use and application of United Nations standards and norms in crime prevention and criminal justice;

(c) Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice and other publications:

(i) Reaffirming the request made to the Secretary-General by the Economic and Social Council, in its resolution 1993/34, section III, to ensure the widest possible dissemination of the texts of the standards contained in the Compendium and to reprint the English version of the Compendium and to publish it in the other five official languages of the United Nations;

(ii) Reaffirming the request made to the Secretary-General by the Council, in its resolution 1993/26, to publish Strategies for Confronting Domestic Violence: a Resource Manual, which is currently available in English only, in the other five official languages of the United Nations;

(d) Cooperation and coordination:

(i) Requesting the Coordinator of the International Year of the Family to report to the Commission on Crime Prevention and Criminal Justice at its fourth session on activities related to crime prevention and criminal justice undertaken in observance of the Year; and deciding to discuss this issue further at the Ninth Congress;

(ii) Requesting the Secretary-General to continue to coordinate the activities of the Crime Prevention and Criminal Justice Branch with those of the Centre for Human Rights so that they may improve their efficacy and avoid overlapping in the implementation of their programmes;

(iii) Exploring the possibility of strengthening cooperation between the Commission on Crime Prevention and Criminal Justice and the Commission on the Status of Women and inviting the Fourth World Conference on Women to consider the recommendations of the Ninth Congress, especially recommendations dealing with violence against women;

(iv) Inviting the World Summit for Social Development to consider the recommendations of the Ninth Congress, especially recommendations on the prevention of urban crime and juvenile delinquency;

(v) Reaffirming the recommendation made to the Secretary-General by the Economic and Social Council, in its resolution 1993/34, section V, to consider resorting, where appropriate, to the expertise available in the Crime Prevention and Criminal Justice Branch in matters related to the work of the International Law Commission on the preparation of a draft statute for the international criminal court and the draft code of crimes against the peace and security of mankind;

(vi) Reaffirming the crucial role of non-governmental organizations in contributing to the effective use and application of United Nations standards and norms in crime prevention and criminal justice and requesting the Secretary-General to continue cooperative training courses in order to assist Member States with the use and application of those standards and norms;

(e) Information-gathering:

(i) Inviting Member States to reply to the questionnaires on the following United Nations standards and norms in crime prevention and criminal justice, pursuant to Economic and Social Council resolution 1993/34, section III, paragraph 7(c):

a. The Standard Minimum Rules for the Treatment of Prisoners;

b. The Code of Conduct for Law Enforcement Officials, together with the Basic Principles on the Use of Firearms by Law Enforcement Officials;

c. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power;

d. The Basic Principles on the Independence of the Judiciary;

(ii) Requesting the Secretary-General to submit to the Commission at its fourth session a report on the results of the first survey on the use and application of the above-mentioned standards and norms;

(iii) Considering the establishment of a mechanism, such as a working group or a sub-committee, to follow up the reports by the Secretary-General and to consider how they could best be used;

(iv) Exploring supplementary means of collecting information, including the appointment of qualified experts to report to the Commission on the use and application of selected standards worldwide, in accordance with paragraph 28 of the statement of principles and programme of action of the United Nations crime prevention and criminal justice programme, annexed to General Assembly resolution 46/152 of 18 December 1991.

Notes

[1]See First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August-3 September 1955: report prepared by the Secretariat (United Nations publication, Sales No. 1956.IV.4), annex I.A.

[2]Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.2, annex.

[3]Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex.

[4]Eighth United Nations Congress ..., chap. I, sect. B.3, annex.

[5]Ibid., sect. C.26, annex.

[6]United Nations publication, Sales No. E.92.IV.1.

[7]Occasional Papers Series, No. 3, 1992.

[8]Strategies for Confronting Domestic Violence: a Resource Manual (ST/CSDHA/20).

[9]Official Records of the General Assembly, Forty-eighth Session, Supplement No. 10 (A/48/10).

[10]ST/CSDHA/22.

[11]Life Imprisonment (ST/CSDHA/24).

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Item 7 of the provisional agenda*

PREPARATIONS FOR THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Progress made in the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

CONTENTS

		Paragraphs	Page
I.	BACKGROUND	1-3	2
II.	SUBSTANTIVE AND ORGANIZATIONAL PREPARATIONS	4-18	2
	A. Regional preparatory meetings	5-8	2
	B. Ninth Congress	9-18	3
Annex.	Programme of work for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders		6

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I. BACKGROUND

1. The General Assembly, in its resolution 46/152 of 18 December 1991, entrusted the Commission on Crime Prevention and Criminal Justice with the function of preparing the United Nations congresses on the prevention of crime and the treatment of offenders.

2. The Secretary-General submitted a report on the preparations for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (E/CN.15/1993/7) for consideration by the Commission at its second session, held at Vienna from 13 to 23 April 1993. That report dealt, inter alia, with substantive preparations, organizational arrangements and possible substantive topics for the Ninth Congress.

3. On the recommendation of the Commission, the Economic and Social Council adopted its resolution 1993/32 of 27 July 1993, in which it, inter alia, approved the provisional agenda for the Ninth Congress and determined that six workshops should be held as an integral part of the event. Further, resolution 1993/32 approved the rules of procedure for the Ninth Congress, as recommended by the Commission.

II. SUBSTANTIVE AND ORGANIZATIONAL PREPARATIONS

4. Resources for holding the Ninth Congress were included in the budget for the biennium 1994-1995 and were approved by the General Assembly at its forty-eighth session by its resolution 48/231 of 23 December 1993. The budget includes resources for the related information campaign to be carried out by the Department of Public Information, as well as the resources required to ensure the participation at the Congress of the least developed countries.

A. Regional preparatory meetings

5. The five regional preparatory meetings were scheduled as follows:

(a) Asian and the Pacific Regional Preparatory Meeting at the headquarters of, and in cooperation with, the Economic and Social Commission for Asia and the Pacific, at Bangkok, from 17 to 21 January 1994;

(b) African Regional Preparatory Meeting, at the invitation of the Government of Uganda and in cooperation with the Economic Commission for Africa and the African Institute for the Prevention of Crime and the Treatment of Offenders, at Kampala, from 14 to 18 February 1994;

(c) European Regional Preparatory Meeting, with the cooperation of the Economic Commission for Europe, at the Vienna International Centre, Vienna, from 28 February to 4 March 1994;

(d) Latin American and the Caribbean Regional Preparatory Meeting, at the invitation of the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and with the cooperation of the Government of Costa Rica and of the Economic Commission for Latin America and the Caribbean, at San José, from 7 to 11 March 1994;

(e) Western Asian Regional Preparatory Meeting, at the headquarters of and in cooperation with the Economic and Social Commission for Western Asia and the Government of Jordan, at Amman, from 20 to 24 March 1994.

6. The resources for holding the meetings were included in the budget for the biennium 1994-1995. In its resolution 48/230 of 23 December 1993, the General Assembly approved, on an exceptional basis, the travel expenses of the representatives of the least developed countries attending the regional preparatory meetings of the Ninth Congress.

7. Member States participating in the meetings were briefed by the Secretariat on the new rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, contained in the annex to Council resolution 1993/32.

8. The reports of the five regional preparatory meetings (A/CONF.169/RPM.1-5) are before the Commission.

B. Ninth Congress

1. Dates

9. The Council, in its resolution 1993/32, decided that the Ninth Congress should be held early in 1995, for a period of 10 working days and two days of pre-Congress consultations. The precise dates, however, are dependent on a venue. If one of the invitations to hold the Ninth Congress are accepted by the Council, the dates would be from 9 to 20 January 1995. Pre-Congress consultations would be held on 7 and 8 January 1995. If, on the other hand, the Congress is held at the Austria Center Vienna, the dates would be from 6 to 17 February 1995. The two days of pre-Congress consultations would be on 4 and 5 February 1995. It should be noted that additional delays in deciding a venue for the Congress would seriously endanger its success.

2. Provisional agenda

10. In its resolution 1993/32, the Council, on the recommendation of the Commission, approved the following provisional agenda, as finalized by the Commission at its second session:

1. Opening of the Congress.

2. Organizational matters.

3. International cooperation and practical technical assistance for strengthening the rule of law: promoting the United Nations crime prevention and criminal justice programme.

4. Action against national and transnational economic and organized crime, and the role of criminal law in the protection of the environment: national experiences and international cooperation.

5. Criminal justice and police systems; management and improvement of police and other law enforcement agencies, prosecutions, courts, corrections; and the role of lawyers.

6. Crime prevention strategies, in particular as related to crimes in urban areas and juvenile and violent criminality, including the question of victims: assessment and new perspectives.

7. Adoption of the report of the Congress.

3. Congress format

11. The following arrangements for the Ninth Congress are proposed:

(a) Two days of pre-Congress consultations, in plenary and regional groups, will be held on the Saturday and Sunday preceding the opening of the Congress. While the plenary will receive full interpretation, the regional groups meetings will have to be scheduled so as to accommodate the available interpretation capacity of the Secretariat. The purpose of the consultations is to reach agreement on the recommendations to be made on all procedural and organizational matters to be dealt with by the Congress on the opening day, such as the election of officers and composition of the General Committee, the distribution of posts among the regional groups in the General Committee, the adoption of the agenda and organization of work, the appointment of members of the Credentials Committee and the arrangements for the preparation of the report of the Congress;

(b) The opening ceremony, including the election of the President, Vice-Presidents and Rapporteur, will take place on the morning of the first day (Monday);

(c) The plenary held in the afternoon of the same day will be devoted to an exchange of information on possible sources of technical assistance for concrete projects and to the role of the Crime Prevention and Criminal Justice Branch in channelling funding for technical cooperation worldwide;

(d) Starting on the morning of the second day (Tuesday), the work of the Congress will be handled by the plenary and two committees of the whole, all three with full interpretation in the official languages;

(e) The plenary will serve as the forum for heads of delegations to present the major orientations, achievements and expectations in the area of crime prevention and criminal justice. On the last day of the Congress (Friday of the second week), the plenary will examine the recommendations and conclusions of the two committees and approve the final report;

(f) Each committee of the whole will handle two of the four substantive topics and, as informal groups, three of the six workshops. The details of the arrangements are presented in the annex of the present report.

4. Workshops

12. In its resolution 1993/32, the Council also endorsed the programme of work for the Ninth Congress, including the holding of six workshops. The topics of the six workshops and their duration are as follows:

(a) Extradition and international cooperation: exchange of national experiences and implementation of relevant principles in national legislation (one day);

(b) Mass media and crime prevention (one day);

(c) Urban policy and crime prevention (one day);

(d) Prevention of violent crime (one day);

(e) Environmental protection at the national and international levels: potentials and limits of criminal justice (two days);

(f) International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information (two days).

13. Descriptions of the workshops are to be found in the discussion guide on demonstration and research workshops (A/CONF.169/PM.1/Add.1).

14. In its resolution 1993/32, the Council decided to include, within the framework of the plenary of the Ninth Congress, a one-day discussion on experiences in and practical measures aimed at combating corruption involving public officials. The discussion is scheduled to take place on Monday of the second week of the Congress.

5. Rules of procedure

15. In its resolution 1993/32, the Council approved the rules of procedure for United Nations congresses on the prevention of crime and the treatment of offenders, as recommended by the Commission.

16. The new rules of procedure were brought to the attention of Member States on the occasion of the above-mentioned regional preparatory meetings for the Ninth Congress. The limitations on draft resolutions contained in rule 28 received particular mention, in so far as they represent a considerable departure from previous rules of procedure.

6. Documentation

17. The basic documentation for the Ninth Congress will consist of the following:

(a) One working paper for each of the four substantive items of the provisional agenda of the Congress, drawing on the results of the regional preparatory meetings, on the contributions of consultants and on the recommendations of the Commission at its third session. The working papers will set the stage for the discussions by highlighting the elements of the problems and reflecting the priorities and major issues in the various regions;

(b) Reports of the regional preparatory meetings;

(c) Documents prepared by the Secretariat that are relevant to the discussion of the agenda items;

(d) One background paper for each of the six workshops to be held at the Ninth Congress, which will serve to orient the discussions at those events;

(e) One background paper for the plenary session on corruption, to be held in accordance with Council resolution 1993/32.

18. Background documents for the Ninth Congress will consist of the following:

(a) National papers or reports by Governments;

(b) Reports prepared by other entities in the United Nations system and by the interregional and regional institutes;

(c) Reports by specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Council, dealing with specific questions in their areas of concern.

Annex

PROGRAMME OF WORK FOR THE NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

Day and time	Committee I	Plenary	Committee II
Monday (1st), a.m.		Opening ceremony	
Monday (1st), p.m.	Introduction, item 3, topic 1	Technical assistance	Introduction, item 4, topic 2
Tuesday (2nd), a.m.	Continuation of item 3	Plenary	Continuation of item 4
Tuesday (2nd), p.m.	Continuation of item 3	Plenary	Continuation of item 4
Wednesday (3rd), a.m.	Workshop (d)	Plenary	Workshop (b)
Wednesday (3rd), p.m.	Workshop (d)	Plenary	Workshop (b)
Thursday (4th), a.m.	Workshop (f)	Plenary	Workshop (a)
Thursday (4th), p.m.	Workshop (f)	Plenary	Workshop (a)
Friday (5th), a.m.	Workshop (f)	Plenary	Conclusions and recommendations, item 4
Friday (5th), p.m.	Workshop (f)	Plenary	Conclusions and recommendations, item 4
Monday (6th), a.m.	Introduction, item 5, topic 3	Corruption	Introduction, item 6, topic 4
Monday (6th), p.m.	Continuation of item 5	Corruption	Continuation of item 6
Tuesday (7th), a.m.	Conclusions and recommendations, item 3	Plenary	Workshop (e)
Tuesday (7th), p.m.	Conclusions and recommendations, item 3	Plenary	Workshop (e)
Wednesday (8th), a.m.	Workshop (c)	Plenary	Workshop (e)
Wednesday (8th), p.m.	Workshop (c)	Plenary	Workshop (e)
Thursday (9th), a.m.	Conclusions and recommendations, item 5	Plenary	Conclusions and recommendations, item 6
Thursday (9th), p.m.	Conclusions and recommendations, item 5	Plenary	Conclusions and recommendations, item 6
Friday (10th), a.m. and p.m.		Adoption of the report and closure	

Notes: There will be daily plenary meetings throughout the Congress, four topical committees of the whole which introduce and recapitulate each topic and four days of workshops.

One technical cooperation meeting on day one is designed to provide assistance to countries in acquiring information about sources of funding of technical cooperation projects and in identifying multilateral and bilateral projects. In addition, every workshop topic will have a component on how to obtain the particular service or technology discussed by that workshop.

The topics of the workshops are as follows:

(a) Extradition and international cooperation: exchange of national experiences and implementation of relevant principles in national legislation;
(b) Mass media and crime prevention;
(c) Urban policy and crime prevention;
(d) Prevention of violent crime;
(e) Environmental protection at the national and international levels: potentials and limits of criminal justice;
(f) International cooperation and assistance in the management of the criminal justice system: computerization of criminal justice operations and the development, analysis and policy use of criminal justice information.

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COOPERATION AND COORDINATION OF ACTIVITIES WITH OTHER UNITED NATIONS BODIES AND OTHER ENTITIES

Cooperation and coordination of activities in crime prevention and criminal justice

Report of the Secretary-General

Summary

The present report provides an overview of cooperation and coordination of activities in crime prevention and criminal justice within the United Nations system and with intergovernmental and non-governmental organizations during the period from November 1992 to November 1993. It follows up the previous survey, submitted to the Commission on Crime Prevention and Criminal Justice at its second session, of activities in that field.

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CONTENTS

	Paragraphs	Page
INTRODUCTION	1-3	3
I. CONCLUSIONS AND RECOMMENDATIONS	4-9	3
II. PROGRAMME COORDINATION ACTIVITIES	9-73	4
A. Cooperation and coordination with relevant entities of the United Nations Secretariat	13-46	5
B. Cooperation with the United Nations Interregional Crime and Research Institute and the regional institutes affiliated or associated with the United Nations crime prevention and criminal justice programme	47-53	11
C. Cooperation with intergovernmental organizations	54-59	12
D. Cooperation with non-governmental organizations and other entities	60-73	13

INTRODUCTION

1. On the recommendation of the Commission on Crime Prevention and Criminal Justice at its second session, the Economic and Social Council adopted resolution 1993/34 of 27 July 1993. In section V, paragraph 6, of that resolution, the Secretary-General was requested to encourage and facilitate cooperation and coordination in accordance with the resolution and to report on the subject to the Commission at its third session.

2. The present report provides an overview of the cooperation and coordination of activities within the United Nations system and with intergovernmental and non-governmental organizations during the period from November 1992 to November 1993. With regard to the United Nations system, it reviews current and planned coordination activities. The report follows up the survey, submitted to the Commission at its second session (E/CN.15/1993/2), of activities carried out in the field of crime prevention and criminal justice, in so far as practical action has been taken.

3. Where cooperation and coordination is already addressed in other reports on substantive issues on the agenda of the Commission, the activities are summarized and a cross-reference to the report in question is made, particularly with regard to the report on activities of the United Nations Interregional Crime and Justice Research Institute (UNICRI) and other institutes (E/CN.15/1994/10).

I. CONCLUSIONS AND RECOMMENDATIONS

4. The crime prevention and criminal justice programme greatly benefits from the involvement of various organizations contributing to the programme. This is equally true with regard to United Nations bodies as well as intergovernmental and non-governmental organizations and other entities. It is not only when directly taking part in the programme that they contribute to the achievement of its goals, but also through their valuable work in the field of crime prevention and criminal justice throughout the world. Cooperation and coordination are not only important as a means of combining scarce resources. They promote also the dissemination of information on United Nations crime prevention and criminal justice policies, and create opportunities for the exchange of ideas and expertise on issues of mutual concern and for the implementation of joint projects.

5. Coordination of activities between the Crime Prevention and Criminal Justice Branch and the United Nations International Drug Control Programme (UNDCP) was the subject of continuous discussion during the reporting period. Measures have been taken to ensure that the maximum benefit is derived from the substantive and physical vicinity of the two programmes. The Commission may wish to further explore ways of consolidating the efforts undertaken, particularly in connection with joint technical assistance and technical cooperation projects.

6. A call for intensified cooperation within the United Nations system in the area of human rights was made at the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 (see the Vienna Declaration and Programme of Action adopted by the Conference (A/CONF.157/23)). The importance of the full and effective implementation of United Nations norms and standards on human rights in the administration of justice was reaffirmed by the Commission on Human Rights in its resolution 1993/44 of 5 March 1993. The proposals of the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights, entrusting the Special Rapporteur on the independence of the judiciary with the task of examining ways and means of enhancing cooperation, were also endorsed in that resolution. Crime prevention issues related to human rights were discussed at the forty-fifth session of the Sub-Commission, held in August 1993. The Commission on Crime Prevention and Criminal Justice may wish to consider specific modalities for

enhancing its coordination with the Commission on Human Rights and the Sub-Commission, including direct contacts and the exchange of views on issues of common interest.

7. In order to promote a more comprehensive view of social development, crime prevention and criminal justice issues should be further integrated into the programmes of the various organizations active in the broader field of social development. In that context, the possibilities of collaborative work with the Division for the Advancement of Women should be strengthened. The publication by the Branch of Strategies for Confronting Domestic Violence: A Resource Manual (ST/CSDHA/20) was a step in that direction, but much more could be done, including joint projects. The Commission may wish to consider ways and means of further strengthening already existing ties with social development entities, taking into account the World Summit for Social Development, to be held at Copenhagen in March 1995.

8. When translating the concepts of cooperation, coordination and resource-sharing into practice, one issue to consider is how to maintain an overall perspective on the programme, in the light of the priorities as defined by the Commission. In fact, there might be risks in relying too much on cooperation and coordination with other organizations, including the danger of promoting projects which may be popular among donors and contributors, but which may not always focus strongly enough on the priority issues. The General Assembly, in its resolution 46/152 of 18 December 1991, and the Council, in its resolutions 1992/22 of 30 July 1992 and 1993/34, stress that the work carried out within the crime prevention and criminal justice programme should focus on the provision of practical assistance and technical cooperation upon request by Member States. A number of requests for assistance within the priority areas of the programme were received during the reporting period, the appropriate answers to which were almost without exception dependent on extrabudgetary funding. That may have negative effects on the long-term goals and overall image of the programme, and especially on its effectiveness and credibility, as the current resource situation does not allow for adequate responses, and efforts made so far to raise extrabudgetary funds have not been successful. Moreover, the United Nations is not in full control of the implementation of the mandates of the programme. The Branch is far too often at the receiving end of the coordination process of certain activities already initiated by others. Ideally, cooperation with other entities should supplement technical assistance and operational activities directly undertaken by the United Nations. In practice, however, it constitutes one of the main pillars of the work of the programme. Realistically, as it cannot be expected that the current situation will change dramatically in the near future, it is hoped that intergovernmental and non-governmental organizations and other relevant institutions will not only continue to provide their invaluable support, but will further increase their collaboration to allow the programme to carry out its work within the framework of the priorities defined by the Commission.

II. PROGRAMME COORDINATION ACTIVITIES

9. During the period of work covered by the present report, the Branch has organized and contributed to numerous projects, international meetings, conferences, training courses and seminars, and prepared or participated in drawing up recommendations, manuals and other training material. Given the limited resources allocated to the programme, by far the largest part of the activities have been made possible through cooperation and coordination with other United Nations entities and intergovernmental and non-governmental organizations.

10. Enhanced cooperation and coordination with other entities within the United Nations system not only ensure a better utilization of resources, but also improves the quality of the work by allowing for concerted action and the tackling of the problem of crime from a wide perspective. Cooperation and

coordination within the United Nations system as a continuous process involve the entire spectrum of entities in the fields of human rights, social development and drug abuse control.

11. The large network of contributors to the crime prevention and criminal justice programme includes not only intergovernmental and non-governmental organizations with a recognized status in relation to the United Nations, but also other relevant entities, as well as a number of universities and research institutions that offer their valuable services on a continuous basis. Cooperation with intergovernmental and non-governmental organizations has been mutually beneficial, allowing those organizations to take advantage of the larger political base provided by the activities of the United Nations, and allowing the United Nations to benefit from the expertise offered by the various non-governmental organizations, from the availability of extrabudgetary funds, as well as from a much wider dissemination of information concerning the United Nations crime prevention and criminal justice programme. During the reporting period the Branch has made an effort to further enlarge this network and increase its activities.

12. It is not the purpose of the present report to account for all specific activities undertaken in cooperation with each organization. The information given should illustrate to what extent cooperation and coordination activities have become integrated in the United Nations crime prevention and criminal justice programme.

A. Cooperation and coordination with relevant entities of the United Nations Secretariat

1. United Nations International Drug Control Programme

13. The Council, in its resolution 1992/22, determined the priority themes that were to guide the Commission in the years to come concerning the elaboration of a detailed programme of action and the corresponding budget allocations. In its resolution 1993/34, the Council reaffirmed those themes. One of the priority themes is national and transnational crime, organized crime, economic crime, including money-laundering, and the role of criminal law in the protection of the environment, an area that is also covered to a certain extent, although from a more narrowly defined perspective, by the mandate of UNDCP. In order to avoid overlapping, cooperation and coordination have become all the more important.

14. Requests for closer cooperation have been made on numerous occasions by the Council as well as by the General Assembly (see Assembly resolutions 45/123 of 14 December 1990 and 47/91 of 16 December 1992 and Council resolutions 1992/22, 1993/30 of 27 July 1993 and 1993/34). It is the task of the Director-General of the United Nations Office at Vienna to examine possible ways of strengthening cooperation and coordination between the two entities and to design a framework for the activities undertaken. This has become particularly important since the transfer of the Centre for Social Development and Humanitarian Affairs from the United Nations Office at Vienna to United Nations Headquarters in 1993.

15. The Council, in its resolution 1993/34 on the implementation of Assembly resolutions 46/152 and 47/91 and in its resolution 1992/22 concerning crime prevention and criminal justice, requested the Commission on Crime Prevention and Criminal Justice to maintain close cooperation with, inter alia, the Commission on Narcotic Drugs, in order to increase the efficiency and effectiveness of United Nations activities in areas of mutual concern and interest and to ensure coordination and avoidance of duplication. Furthermore, the Commission on Narcotic Drugs will discuss coordination of drug-related activities and cooperation between UNDCP and the Branch as a separate item at its thirty-seventh session.

16. A number of initiatives have been taken during the reporting period by the two entities to meet requests for further cooperation and coordination. Cooperation and coordination of activities are being reviewed on an ongoing basis in order to reflect new developments in relevant areas. The steps taken include routine activities such as the exchange of information with regard to preparations for missions as well as specific projects. Joint fact finding missions undertaken in response to requests by Member States have provided the foundation for further collaborative activities.

17. At present, UNDCP and the Branch are preparing a joint position paper, with input from UNICRI on international cooperation in crime prevention and drug control for presentation at the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to be held in 1995. The paper seeks to identify linkages between crime prevention and drug control. Further, the Branch contributes to the System-Wide Action Plan on Drug Abuse Control, which is regularly updated by UNDCP with the objective of coordinating drug-related activities within the United Nations system. The Branch also regularly attends meetings of the Sub-Committee on Drug Control of the Administrative Committee on Coordination, which deals with matters of inter-agency cooperation.

18. The issue of international mutual legal assistance in criminal matters was considered at two different expert meetings during the reporting period, one held by UNDCP and the other, also addressing the issue of extradition, by the Branch. The two meetings reflected the problem from different perspectives, and there was active mutual participation of both UNDCP and the Branch. Advisory legal assistance is an area where cooperation and coordination with UNDCP is particularly needed. It is envisaged that the legal assistance unit of UNDCP and the Branch should cooperate in the development of guidelines for the implementation of bilateral or regional model treaties for international cooperation, such as those adopted by the General Assembly in its resolutions 45/116 and 45/117 of 14 December 1990. As a result of direct cooperation in technical assistance projects, the Branch also participated in an interregional course on investigative techniques in money-laundering, organized by the Institute for Advanced Police Training in Malta in March 1993.

19. To be able systematically to take advantage of information available on experts and consultants of interest to both UNDCP and the Branch, a common, computerized roster has been proposed. Such a roster is under development, to be used within the network of crime prevention and criminal justice institutes. A software programme has to that end been developed and provided to the Branch by UNICRI, in accordance with paragraph 17 of the programme of action annexed to Assembly resolution 46/152, and with section I, paragraph 3 (j), of Council resolution 1992/22. The purpose of the project is to avoid duplication of work, and thus to save resources and provide a larger variety of candidates for each assignment.

20. During the reporting period a working group, including senior officers from both the Branch and UNDCP, was created on the initiative of the Director-General of the United Nations Office at Vienna, with the objective of identifying areas of further cooperation between the two entities and of making proposals regarding the modalities of increased cooperation in those areas. A report published by the group in December 1993 indicated four areas of interest for further cooperation, as follows:

(a) Integration of anti-drugs legislation in the penal codes of Member States;

(b) Money-laundering and the fight against organized transnational criminality in general;

(c) Protection of the rights and freedoms of the individual in the elaboration of anti-drugs legislation;

(d) Preparation of guidelines and manuals in the area of international mutual assistance in penal matters.

21. It has been foreseen that the two entities take up cooperation within the above-mentioned areas during early 1994, which would allow for a more effective response to the requests for technical assistance from Member States. Further details on cooperation between UNDCP and the Branch are contained in document E/CN.7/1994/7.

2. United Nations Centre for Human Rights

22. The Branch maintains close relations with the Centre for Human Rights as a result of the complementary nature of the work of the two entities and in accordance with the request by the Council in its resolution 1992/22, section IV, paragraph 6, which was reiterated in its resolution 1993/34, section V, paragraph 2. Furthermore, the question of cooperation and coordination of activities with the Branch was also addressed by the Commission on Human Rights at its forty-ninth session (see its resolutions 1993/41 of 5 March 1993 and 1993/49 of 9 March 1993).

23. A number of seminars and training courses were carried out jointly by the Branch and the Centre, and an increasing part of the work was devoted to the elaboration of training materials for those activities. For example, the Branch cooperated with the Centre in the substantive preparation and servicing of a training course for judges, lawyers and prosecutors, held at Bucharest in November 1992, of a follow-up course in November 1993, and of a seminar on human rights for instructors at police academies in March 1993. Further information on those seminars will be found in the report on implementation of norms and standards in the field of crime prevention and criminal justice (E/CN.15/1994/7).

24. A manual on international standards related to pretrial detention is under preparation in cooperation with the Centre and the Minnesota Lawyers Human Rights Committee. In addition, the Branch cooperates with the Centre in the preparation of a training manual for law enforcement officials on human rights in the administration of justice.

25. In the aftermath of the political changes of recent years in eastern Europe, a number of the Governments of the new democracies have requested assistance in the restructuring of their judicial systems, taking into account the provisions of the various United Nations instruments in the field of human rights and crime prevention and criminal justice. In response, the Branch, in cooperation with the Centre, has assisted in providing recommendations and in finalizing the draft criminal code and the draft code of criminal procedure for Belarus. In addition, an extensive project regarding judicial reform in the Russian Federation is being developed pursuant to a request from that country (see paragraph 52). Further information on those projects will be found in the report on progress made in the implementation of Council resolutions 1992/22 and 1993/31 (E/1994/13).

3. Department for Policy Coordination and Sustainable Development

26. The Branch maintains close contact with the various United Nations entities in the broader field of social development in terms of a regular exchange of information on issues of mutual interest. Coordination with the Division for the Advancement of Women led, in particular, to the preparation by the Branch of Strategies for Confronting Domestic Violence: A Resource Manual, which has been presented to the Commission on the Status of Women. Further information on that project will be found in the report on the implementation of United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7).

27. During the reporting period, a substantive paper on "Family and crime" was prepared by the Branch and published in the International Year of the Family occasional papers series (number 3, 1992). That important issue will also be the subject of deliberations during the World Summit for Social Development. At the World Summit there will be discussions on the wider question of the effects of social change. In recent decades, a large number of countries have seen a decline in income per capita, which has resulted in growing urban poverty, the dissolution of households, leaving many women alone with children to feed, and an ever more serious problem with street children. The Commission may wish to consider identifying areas of cooperation and ways of coordinating activities with the Department for Policy Coordination and Sustainable Development on such matters.

4. International Law Commission

28. With regard to the creation of an international criminal court, the Branch participated in the World Conference on the Establishment of an International Criminal Tribunal to Enforce International Criminal Law and Human Rights, held at Siracusa, Italy, from 2 to 5 December 1992, and in a meeting on the establishment of such an institution, held at Vancouver, Canada, at the end of March 1993. A draft statute on the creation of an international criminal court was presented to the International Law Commission at its forty-fifth session. A request was then sent out to Governments to submit their comments on the draft to the Secretary-General by 15 February 1994. Further information on cooperation with the International Law Commission will be found in the report on the implementation of United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7).

5. Department of Peace-keeping Operations

29. The Council, in its resolution 1993/34, welcomed with appreciation the Secretariat's participation in, and contribution to, the United Nations peace-keeping operations. It further requested the Secretary-General to develop basic courses on United Nations norms and guidelines in the field of crime prevention and criminal justice to be used for training peace-keeping and emergency mission personnel and their national counterparts. The Secretary-General was also requested to ensure the involvement of the Branch in the planning of such missions. During 1993 the Branch provided assistance to the peace-keeping operations in Cambodia, Somalia, the territory of the former Yugoslavia, El Salvador and South Africa.

30. Regarding Cambodia, the Branch has, as a continuation of ongoing cooperation with the United Nations Transitional Authority in Cambodia, prepared a project on the training of trainers in legislation and public service ethics. The project will build on the work already undertaken by the Branch during earlier missions to that country.

31. In support of the United Nations Operation in Somalia, the Branch undertook in August 1993 an evaluation mission to that country upon a request by the Department of Peace-keeping Operations to assist the Special Representative of the Secretary-General in Somalia in re-establishing the police and criminal justice system.

32. The Branch continued its cooperation with the United Nations Protection Force (UNPROFOR) in former Yugoslavia. In April 1993, it took part in a seminar held at Zagreb on the United Nations Civilian Police Force (CIVPOL). Further, the Branch, with the cooperation and support of the Ministry of Interior of Austria, initiated preparations for a practical workshop for station commanders of CIVPOL, UNPROFOR, held at Wiener Neustadt, Austria, in January 1994.

33. During the reporting period the Branch was also requested to provide its advice on the selection of experts for the evaluation of the setting-up of a democratic and civilian police force in El Salvador as part of the United Nations Observer Mission operating in that country.

34. The Branch has further, in response to a request from the United Nations Observer Mission in South Africa (the Goldstone Commission), offered its assistance in the treatment of victims of violence, as well as further advice for the implementation of the recommendations of the Goldstone Commission.

35. In addition, the Branch continued its work on the development of basic courses and manuals on United Nations norms and guidelines, designed to upgrade criminal justice systems. In that respect, with regard to peace-keeping operations, the following activities were undertaken:

(a) Formulation of an introductory course for peace-keeping personnel based on United Nations crime prevention and criminal justice instruments. The course should be part of an integrated new United Nations training programme for peacekeepers prepared by the Office of Human Resources Management of the Secretariat;

(b) Publication of a handbook for the civilian police components of United Nations peace-keeping missions, to be used in their monitoring functions as well as for training purposes;

(c) Formulation of a first draft of a Police Code of Conduct and a Disciplinary Code for Civilian Police Components of United Nations Peace-keeping Operations, the main provisions of which were incorporated in the standard operating procedure of CIVPOL, UNPROFOR.

36. Further information regarding the involvement of the Branch in United Nations peace-keeping missions will be found in the report on progress made in the implementation of Council resolutions 1992/22 and 1993/31 (E/1994/13).

6. Regional commissions

37. All United Nations regional economic commissions are taking active part in the organization of the regional preparatory meetings for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in early 1995 (see E/CN.15/1994/8).

38. With the Economic and Social Commission for Asia and the Pacific (ESCAP), in particular, a regular exchange of information on projects, mission reports and international conferences took place. ESCAP is so far the only regional commission with a regional adviser on crime prevention and criminal justice. During the reporting period, the Interregional Adviser at the Branch and the Regional Adviser at ESCAP met and discussed projects of common concern and ways to coordinate their activities in the region (see E/CN.15/1994/6).

39. Close contacts have also been kept with the Economic Commission for Africa (ECA), in particular since the African Institute for the Prevention of Crime and the Treatment of Offenders operates under the auspices of ECA. Financial problems related to the Institute have been the subject of intense discussions during the reporting period (see E/CN.15/1994/10).

7. United Nations Development Programme

40. In view of the importance of crime prevention and criminal justice for development, the Branch has undertaken efforts to strengthen its cooperation with the United Nations Development Programme (UNDP). The Branch receives the annual UNDP country reports on all countries. In

appropriate cases, follow-up action will be taken with the UNDP office in question, including suggestions on technical cooperation in the area of crime prevention and criminal justice that are considered relevant in view of the specific plans for each country. In addition, the Branch also meets with the UNDP Resident Representatives visiting the United Nations Office at Vienna and, if possible when on missions, with the UNDP office in the countries visited.

41. The allocation of UNDP funds, however, depends on the level of priority set by each Government in view of the priority areas proposed by UNDP. This, coupled with the very limited resources allocated to technical cooperation activities within the crime prevention and criminal justice programme, represents a considerable constraint on the initiatives emanating from the Branch. It appears that the importance of crime prevention strategies and a functioning criminal justice system for development is not well enough appreciated either by the Governments of the requesting countries, in most cases the ministry of planning, or by the decision-making bodies of UNDP.

42. The substantial contribution provided by UNDP for the financing of the activities of the African Institute for the Prevention of Crime and the Treatment of Offenders allowed the Institute to continue its work during the reporting period. No additional funds, however, are foreseen for 1994 (see E/CN.15/1994/10).

43. Following an advisory service mission to Albania, the Branch assessed a UNDP project proposal regarding the police and public administration sector and the computerization of the criminal justice system in that country (see E/CN.15/1994/6). A follow-up mission is planned for March 1994.

8. World Health Organization

44. The problem of acquired immunodeficiency syndrome (AIDS) has a growing impact on the criminal justice system in general, and on the prison system in particular. Already for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana in 1990, the World Health Organization/Global Programme on AIDS (WHO/GPA) and the Branch prepared a joint report on the human immunodeficiency virus (HIV) and AIDS in prison. The Branch continued its close cooperation and exchange of information with WHO/GPA in providing technical advice on the preparation of guidelines in that area, including information on existing United Nations criminal justice policy. Based on a meeting of experts on HIV, AIDS and prisons, held from 15 to 17 September 1992, in which the Branch participated, and on further consultations, the WHO Guidelines on HIV Infection and AIDS in Prisons were published in March 1993. The Guidelines provide standards which prison authorities should strive to achieve in their efforts to prevent HIV transmission in prisons and to provide care to those affected by HIV and AIDS. The Branch assisted in publishing the guidelines, which will be included in the next edition of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice. As they are expected to be adapted by prison authorities to meet their local needs, the Branch, in cooperation with WHO and UNDCP, will assist Member States in the development of national policies on prisons and AIDS and in their inclusion in national AIDS plans. AIDS-related issues were addressed by the Interregional Adviser on Crime Prevention and Criminal Justice. They were also included in training courses for law enforcement officials and prison administrators. Particularly if requests from Member States relate to a combination of AIDS, prisons and drug abuse, they should be met through joint advisory services and other coordinated action of the various United Nations entities involved. To that end, the United Nations Office at Vienna participated in the seventh meeting of the Inter-Agency Advisory Group on AIDS, which is to coordinate AIDS-related activities throughout the United Nations system.

9. United Nations Educational, Scientific and Cultural Organization

45. During the reporting period, the preparation of a manual on prison education, in cooperation with the Institute for Education of the United Nations Educational, Scientific and Cultural Organization and with the International Council for Adult Education, reached its final stage. The project started in 1991 as a research project on current practices with regard to basic education in correctional institutions in a selection of countries from all regions in the world. On the basis of more than a hundred documents, an interim report was published in January 1992. A seminar is planned for January 1994 on the finalizing of the manual.

10. World Bank

46. Consultations took place with the World Bank during a mission by the Branch to Washington in November 1993. Discussions were held with regard to the activities of the Branch in eastern Europe, in particular the reform project for the Russian Federation, as well as in Cambodia.

B. Cooperation with the United Nations Interregional Crime and Justice Research Institute and the regional institutes affiliated or associated with the United Nations crime prevention and criminal justice programme

47. The Council, in its resolution 1992/22, section IV, paragraph 2, invited all affiliated and associated institutes to submit their programmes of work and report on the implementation thereof to the future sessions of the Commission. Those reports will be integrated into the report on the activities of UNICRI and other institutes (see E/CN.15/1994/10).

48. The network of affiliated or associated institutes has endeavoured to coordinate its work as far as possible with the recommendations guiding the work of the United Nations crime prevention and criminal justice programme. This has resulted in coordination not only with the Branch, but also between the various institutes and other United Nations entities as well as other organizations, thus allowing for a much wider dissemination of information regarding the United Nations crime prevention and criminal justice programme and coordinated action at the regional and subregional level.

49. The network of institutes connected to the United Nations crime prevention and criminal justice programme comprises the following institutes:

(a) UNICRI, established as a United Nations entity, thus forming a part of the United Nations system. The statute of UNICRI was adopted by the Council in its resolution 1989/56 of 24 May 1989;

(b) The affiliated institutes, including: the African Regional Institute for the Prevention of Crime and the Treatment of Offenders (Kampala); the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (Tokyo); the European Institute for Crime Prevention and Control, affiliated with the United Nations (Helsinki); and the Latin American Institute for the Prevention of Crime and the Treatment of Offenders (San José);

(c) The associated institutes, including: the Arab Security Studies and Training Centre (ASSTC) (Riyadh); the Australian Institute of Criminology (Canberra); the International Centre for Criminal Law Reform and Criminal Justice Policy (Vancouver, Canada); and the International Institute for Higher Studies in Criminal Sciences (Siracusa, Italy).

50. The question of affiliation or association of new institutes is currently under consideration in response to section IV, paragraph 3 (h), of Council resolution 1992/22, with a view to further defining

the legal status of the form of ties to the programme.* Several institutes have expressed a considerable interest in acceding to a higher form of commitment to the United Nations crime prevention and criminal justice programme.

51. Coordination between the network of institutes and the secretariat of the crime prevention and criminal justice programme is carried out in a number of ways, including through the convening of the annual joint programme coordination meetings. In 1993, the ninth meeting, hosted and funded by ASSTC, was held in Sharja, United Arab Emirates. That meeting, as well as earlier meetings, served to establish further cooperation and coordination activities, and to support already existing ones. The extrabudgetary nature of the meetings as well as the very limited resources allocated to technical cooperation activities in general constitutes, however, a serious obstacle to further progress in this field. The Branch participated in the Advisory Board meetings of the European Institute and the Latin American Institute. Further information on the subject is contained in the report on the activities of UNICRI and the affiliated and associated institutes (E/CN.15/1994/10).

52. The regional institutes are expected to contribute actively to the preparations for the Ninth Congress, including the regional preparatory meetings held in early 1994. More information on those activities will be found in the report on progress made in the preparations for the Ninth Congress (E/CN.15/1994/8). UNICRI and the regional institutes are actively involved in the preparations for the six workshops to be conducted at the Ninth Congress (see E/CN.15/1994/10).

53. The Branch cooperates with a number of institutes concerning the regional analyses and the publication of data from the United Nations surveys on crime trends and operations of criminal justice systems. Indeed, the work on the Fourth Survey involves all of the regional institutes affiliated with the crime prevention and criminal justice programme. Further information on the subject will be found in the report on progress made in the collection and dissemination of crime-related data and in the improvement of computerization in criminal justice management (E/CN.15/1994/3).

C. Cooperation with intergovernmental organizations

54. With regard to the community of intergovernmental organizations at large, cooperation mainly focused on the mutual exchange of information. On numerous occasions, projects have been submitted by the Branch for evaluation and possible funding by intergovernmental organizations and bodies such as the Commission of the European Communities (CEC), the Council of Europe and the International Criminal Police Organization (ICPO/Interpol). Requests from member States have also been communicated through those organizations to the Branch for consideration. Cooperation and coordination activities have included the initiation of joint activities in areas of mutual interest. The Branch will further develop such contacts.

55. Invitations were extended to a large number of intergovernmental organizations to attend the third session of the Commission. Six intergovernmental organizations were represented at its second session. Similar invitations have been extended in connection with the regional preparatory meetings for the Ninth Congress.

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*The question of the affiliation or association of new institutes was considered by the Eighth Joint Programme Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network (see E/CN.15/1993/CRP.1). Further discussions were held at the Ninth Joint Programme Coordination Meeting in January 1994.

1. International Criminal Police Organization

56. During the reporting period, project proposals on juvenile justice and on law enforcement, as well as on organized crime, were exchanged with ICPO/Interpol for advice and possible joint action. Requests for technical assistance were received from ICPO/Interpol for evaluation and further action by the Branch. ICPO/Interpol participated in the second session of the Commission.

2. Commonwealth Secretariat

57. The Commonwealth Secretariat attended as an observer at the Ad hoc Expert Working Group Meeting on Model Legislation to Foster Reliance on Model Treaties, held at Vienna from 18 to 21 October 1993. Further channels of mutual exchange of information are expected to be opened between the two entities in the area of mutual legal assistance. Discussions were also held during the reporting period on the possibility of undertaking joint action against corruption.

3. Commission of the European Communities

58. A mutual exchange of information took place during 1993 between CEC and the Branch on the subject of transnational organized crime and the activities undertaken in that area. Discussions were also held regarding the funding of two seminars on the implementation of the Convention on Mutual Assistance in Criminal Matters, signed by the member States of the Economic Community of West African States.

4. Council of Europe

59. The Branch and the Council of Europe continued their regular exchange of information and participated in meetings of mutual concern. For example, the Council of Europe attended the meeting on practical assistance to central and eastern European countries, held at Vienna in February 1993, during which, inter alia, a request from the Russian Federation for technical assistance in the implementation of a judicial reform was discussed (for further information on the subject, see the reports contained in documents E/CN.15/1994/6 and E/1994/13). Further, the Branch participated in the Conference on Democratic Institution Building Assistance to the Countries of Central and Eastern Europe, held by the Council of Europe at Strasbourg, France, in December 1993. The Branch also contributed to a meeting of the European Committee on Crime Problems of the Council of Europe, held at Strasbourg in June 1993, where discussions took place on crime-related issues, including the ad hoc criminal tribunal for the conviction of perpetrators of human rights violations in the territory of the former Yugoslavia.

D. Cooperation with non-governmental organizations and other entities

60. Resources and expertise emanating from the community of non-governmental organizations have grown to be an invaluable and very much appreciated source of contributions to the crime prevention and criminal justice programme. The information given below describes only a part of the activities undertaken. It shows, however, that cooperation activities cover the entire area of the United Nations crime prevention and criminal justice programme, and that activities may take all forms, including direct cooperation in the organization and funding of seminars or training courses, contributions in terms of publications of manuals and commentaries, and the exchange of information on matters of mutual interest (for further information on the subject, see the report on implementation of United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7) and in the report on progress made in the implementation of Council resolutions 1992/22 and 1993/31 (E/1994/13)).

61. The seriousness of the engagement of the community of non-governmental organizations in the work of the crime prevention and criminal justice programme was reflected in the large number of non-governmental organizations that attended the second session of the Commission, at which they submitted a draft resolution on the programme, emphasizing, inter alia, the importance of the publication of the Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice and the implementation of those standards and norms (E/CN.15/1993/NGO/1). An equally large number of non-governmental organizations jointly submitted a draft resolution on violence against women in all its forms (E/CN.1993/NGO/3). The Asia Crime Prevention Foundation (ACPF) also participated actively in the second session of the Commission, presenting a draft resolution on the "ACPF Kuala Lumpur Plan of Action" adopted by its World Conference on Crime Prevention and Criminal Justice, held at Kuala Lumpur in January 1993, for consideration by the Commission (E/CN.15/1993/NGO/4).

62. A further example of the commitment by the community of non-governmental organizations to the crime prevention and criminal justice programme was the creation in 1991 of the International Scientific and Professional Advisory Council (ISPAC), in accordance with the recommendations of United Nations policy-making bodies, to facilitate closer cooperation with relevant non-governmental organizations. In March 1993, a seminar was held by ISPAC, with the participation of the Branch, on the evaluation of technical assistance and training provided to developing countries. Through ISPAC it was possible to organize an expert meeting, held in Spain in May 1993, on victim protection and conflict resolution. The meeting explored ways and means of promoting the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985. The initiative from the Government of Italy and ISPAC to hold the International Conference on Laundering and Controlling Proceeds of Crime in Italy in June 1994 was welcomed with appreciation by the Economic and Social Council in its resolution 1993/30.

63. A further important event was the creation, as a result of the third plenary session of ISPAC, held in August and September 1993, of the Resource Committee on Human Rights in Criminal Justice. The Committee was created with the objective of supporting the Branch in the implementation and monitoring of the United Nations standards and norms, and in particular to compile training manuals on human rights for use by national police and prison administration.

64. The alliances of non-governmental organizations in the field of crime prevention and criminal justice also bring substantial benefits to the programme. The Alliance of Non-governmental Organizations in New York has undertaken a survey on health care in prisons after consultations with the Branch. The results, based on answers to the survey from 41 countries in all regions of the world, were published in April 1993 in the International Prison Health Care Report. Furthermore, the Alliance of Non-governmental Organizations at Vienna has played an important role in the implementation of the United Nations standards and norms in the field of crime prevention and criminal justice. It has also contributed to the organization of a training course on the structuring of the police in Romania.

65. Concerning cooperation and coordination with non-governmental organizations and other entities in the preparations for the Ninth Congress, it is expected that ancillary meetings organized by the community of non-governmental organizations will take place during the Ninth Congress, as was the practice at previous congresses.

66. The preparations for the workshops to be held at the Ninth Congress have received the active support of various non-governmental organizations. For example, the Forum of the Local and Regional Authorities of Europe for Urban Security participated in an organizational meeting, held under the auspices of the International Institute for Crime Prevention, at Montreal, Canada, in November 1993, on preparations for the workshops on urban planning and on the prevention of violent crime. With regard to the workshop on environmental protection at the national and international levels, responsibility

for preparations has been accepted by the Max-Planck Institute for Foreign and International Criminal Law at Freiburg in Breisgau, Germany, in cooperation with UNICRI, the Australian Institute of Criminology and ISPAC. Responsibility for preparing the workshop on computerization has been accepted by the Office of International Criminal Justice of the University of Illinois, in cooperation with UNICRI, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the European Institute for Crime Prevention and Control, affiliated with the United Nations (for further information regarding cooperation with non-governmental organizations and other entities, see the report on progress made in the preparations for the Ninth Congress (E/CN.15/1994/8).

67. Cooperation with non-governmental organizations has enabled the Branch to provide substantive input to a considerable number of training seminars, workshops and conferences. Particularly fruitful cooperation has been initiated with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law at Lund, Sweden. The Institute organizes seminars on human rights and freedoms of the individual and on humanitarian law. At the invitation of the Institute, the Branch participated in two seminars held in Namibia, each for of one week. Similar meetings were held with the participation of the Branch in South Africa, Uganda and Zimbabwe. At the seminars, the Branch presented lectures and training material on the treatment of prisoners and the norms and standards for law enforcement officials. Further cooperation with the Institute is envisaged for 1994. Follow-up seminars are planned for Namibia and Zimbabwe. For further information on cooperation with the Raoul Wallenberg Institute, see the report on implementation of United Nations standards and norms in the field of crime prevention and criminal justice (E/CN.15/1994/7).

68. In cooperation with the International Bar Association, a member of the Branch presented a paper on extradition at a seminar on the alleged transnational criminal, held at Madrid in May 1993. The Branch also contributed to a seminar on prison administration organized by Penal Reform International in Romania in November 1993. Further, a member of the Branch made a presentation on the United Nations crime prevention and criminal justice programme at the 11th World Congress of Criminology, organized by the International Society for Criminology at Budapest in August 1993.

69. The Branch cooperated with several non-governmental organizations on the elaboration of a number of manuals, commentaries and other publications on the implementation of the United Nations standards and norms in the field of crime prevention and criminal justice.* A manual on international standards related to pretrial detention is being prepared in cooperation with the Centre for Human Rights and the Minnesota Lawyers International Human Rights Committee. Furthermore, with the assistance of the Religious Society of Friends, the Branch is finalizing a manual on life imprisonment, focusing on the treatment of life-sentence prisoners in accordance with the Standard Minimum Rules for the Treatment of Prisoners.

70. Discussions have also been initiated with the Raoul Wallenberg Institute concerning the publication of a handbook on good policing, which is to provide a practical guide to good policing, employing United Nations human rights and criminal justice standards. The first discussions on this type of practical handbook sprang out of the seminar on human rights organized by the Institute in Uganda in September 1993, where both participants and organizers expressed their strong interest in the preparation of such a publication. It should supplement another publication on law enforcement and human rights being prepared by the Centre for Human Rights and the Branch.

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*A request for continued work in this area was renewed by the Council in its resolution 1993/34, section II, paragraph 4.

71. Cooperation with ACPF, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the International Penal and Penitentiary Foundation in the area of the administration of justice has lead to the development of a "Commentary on the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)", which will provide practical guidelines on the use and application of the rules. ACPF, the International Penal and Penitentiary Foundation and the Asia and Far East Institute generously contributed to the Crime Prevention and Criminal Justice Fund to make the publication of the Commentary possible.

72. In the area of computerization of criminal justice information, the Branch cooperates in particular with the State University of New York at Albany in the further development and transfer to the Branch of the United Nations Criminal Justice Information Network (UNCJIN). Cooperation has also been initiated with the Dag Hammarskjöld Library on the preparation of a CD-ROM disk with information on holdings of the World Criminal Justice Library. The project involves a number of university libraries in cooperation with UNCJIN. Further information on the computerization of criminal justice information will be found in the report on progress made in the improvement of computerization in criminal justice management (E/CN.15/1994/3).

73. In assessing the data from the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, the Branch is cooperating with UNICRI and all regional institutes. In addition, a number of other professional entities are actively taking part in the evaluation of the answers received.